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MRS. INGLEFIELD'S
JUSTIFICATION,

CONTAINING THE

PROCEEDINGS

IN THE

ECCLESIASTICAL COURT,

BEFORE THE RIGHT WORSHIPFUL

PETER CALVERT, L.L.D.

ON JULY 11 and 17, 1785,

TAKEN IN SHORT HAND

By W. BLANCHARD;

WITH A

PREFACE AND NOTES

BY

Mrs. ANN INGLEFIELD.

N. B. All immodest Expressions are expunged.

LONDON, Printed for J. SEWELL, 32, CORNHILL, and
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MDCCCLXXXVII.

Mrs. J. G. HILL
JUSTIFICATION

CONTAINING THE

PROCEEDINGS



EXHIBIT 16
GOVERNMENT

RECEIVED THE 10th NOVEMBER 1880

PETER CALVERT, Esq.

ON JULY 11 and 12, 1880

TAKEN IN COURT

BY W. H. A. NICHOLSON, Esq.

WITH A

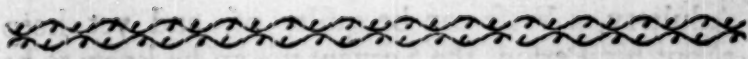
PREFACE AND NOTES

BY

Mrs. ANN NICHOLSON

M. H. Hill, Esq. has been engaged

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P R E F A C E.

HAVING instituted the Suit against Captain Inglefield, which gave Rise to the Proceedings published in the following Pages, *solely* for the Purpose of clearing my Character to the World and my Children; I should not think the Intention compleatly answered, unless I laid before the Public a Refutation of certain Charges and Reports, Captain Inglefield and his Friends have most industriously circulated to my Prejudice, which, not being judicially exhibited, could not be judicially refuted. I have been accused of Indecencies too gross, as my Friends inform me, to be repeated; but of such Accusations, I am convinced, I shall stand thoroughly acquitted, even by the most prejudiced against me, when they have read the following Publications; but should there then remain any, so firmly attached to Captain Inglefield's reputed Veracity, as still to believe the infamous Transactions related of me, I recommend them to be silent; such Conduct will not only conceal their Weakness, but prevent further Reflections on their Friend's Honour; for, however great their Friendship may be for Captain Inglefield, however they may respect him for Veracity, they cannot, in the utmost Fervour of their Zeal, advance one Argument to convince the Public that it is consistent with the Spirit of a Man of Honour, or the Feelings of an injured Husband, to stand a tacit, tame Spectator to the grossest Indecencies, short of

a 2

Adultery

Adultery, a Wife can be guilty of, and yet keep about his Person, the Servant whom he knew to be the Object of his Wife's libidinous Desires; such Conduct is a Degradation the Man of Honour would shudder at; yet, had I been guilty of the vile Indecencies laid to my Charge, Captain Inglefield must have acted (if his Friends say true) that ignominious Part; for, during the many Months it is said I vainly solicited the Black to commit Adultery, Captain Inglefield retained him as his Valet, without taking the least Notice of the gross Indecencies pretended to have passed between us, although he is reported to have been an ocular Witness to the most nauseous Transactions: But if (as his Advocates say) he concealed his Knowledge of my Infamy, for the Purpose of detecting me in a Situation that would have insured a Divorce, It is reasonable to suppose he would have made some Person or Persons acquainted with his Design, whom he might produce in the Commons, if necessary, as Evidence of my Infidelity.—Where is the Friend to whom Captain Inglefield communicated, prior to December, 1784, what he professes to have seen?—Had he no Friends to divulge those poignant Distresses the ocular Witness to my Infamy might be supposed to give rise to, and which he has so well displayed and ranted away on Paper, from the mere pretended Receipt of an anonymous Letter?—Were there none, among the many Servants who lived with me in twelve or fourteen Months, whom he could make a Confident of, for the Purpose of watching my Actions? His Friends may name M'Carthy, and it must be acknowledged, he is the only Friend to whom Captain Inglefield ever imparted Suspicions injurious to my Character; he is the only Confident the Captain's fictitious Jealousy placed to watch my

my Actions; and the only Person to whom the Black was named as an Object of his Jealousy?— This M'Carthy, or Mr. M'Carthy, as Doctor Wynne politely calls him, is by Birth an Irishman, and by Religion (if any) a Roman Catholic; this Man, unable to write, and, most like, as unable to read, was raised from the Station of Common Sailor to the Appointment of Captain Inglefield's Steward, and then selected to be, in this Business, his Friend and Confident; but even this favourite Tool was unacquainted with his Benefactor's feigned Suspicions, till it was thought proper to employ him as an Engine to support the cruel Charges laid against me: how well M'Carthy has acquitted himself, the following Pages will shew.

There are a Sort of very good Kind of People (as the Phrase runs) whose Delight, nevertheless, consists in hearing, inventing, and relating Slander; these People have seized, and, with suitable Rancor, have improved on the Opportunity Captain Inglefield's Accusations have given them, to gratify their darling Passion; they have, with incredible Glee of Pleasure and Audacity, asserted, that I not only have had a Child since my Separation from Captain Inglefield, but also one before I was married: It is surprizing their Slander should stop here, for they might, with equal Truth, have asserted, that I had just recovered from a Lying-in, when Captain Inglefield returned from the Shipwreck; this Stretch of Imagination would have compleated the Measure of my Iniquity, and their malicious Enjoyment: However, the following Publications must oblige these good Sort of People to seek some other Victim to indulge their malignant Spirit, for they cannot "keep their Tongues from evil speaking, lying, and slandering."

It has been strongly reported, that after the Black had made a solemn Recantation in the Commons, of the Falsehoods he had before sworn and uttered against me, he repented of so doing, abiding by his first Declaration; such Report could only be fabricated for the Purpose of wiping off (if possible) the indelible Stain Web's Recantation had fixed on Captain Inglefield's Character: This Stratagem might, for a Time, in some Degree answer the Inventor's Intentions, but is now no longer useful, and remains one of the many Assertions, which have been declared, with Confidence, to be true, that Time only has proved false.

Mr. Inglefield charges me with Extravagance, and, to support the Charge, avers I spent £400 per Annum while he was abroad; and meanly hands about the Mantua-maker's Bill, of £6 14s. 6d. for making six *Linen* Gowns since his Return, though they were made at the Warehouse, by his own Desire, and he Present, as far as my Recollection serves, when the Orders for them were given.

I must do Mr. Inglefield the Justice to say, that when he parted from me, to go to the West Indies, he placed an unlimited Confidence in my Œconomy; he prescribed no Bounds to my Expence, as is proved by his Agent's Deposition; and, I may surely conclude, when he came home he was satisfied I had not betrayed his Confidence, as he never, in the most distant Manner, suggested the Money received from his Agent to have been extravagant, until after our unhappy Separation had taken Place:—This leads me to conclude, that the assumed Alteration of his Sentiments arose from Motives of Policy:—He had heard from all Quarters that, in his Absence, I had lived a retired, prudent Life, and bore an unexceptionable good Character;

rafter; he might think it his Interest to counteract such Reports, least their Prevalence might induce the World to think favourably of me, and hence, risque setting on Foot Enquiries which might frustrate his projected Scheme:—Extravagance was the only Charge he could advance against me, with the least Appearance of its being well founded; it was therefore brought forward, and, to give Colour to the Accusation, exclusive of his own Assertions, his Agent deposes, that from October, 1780, to December, 1782, he supplied me with Money to the Amount of £765, besides which, he further deposes (see his Deposition in the Appendix) I received £240 as Dividends due on Stocks, which Mr. Inglefield possessed in the Funds. It may wear the Appearance of Arrogance, to oppose the Memorandums made by me, of the Monies I had received from the Agent, to his solemn Deposition; nevertheless, I must aver, that according to my Account, I have received no more than £730, the Difference is too small to dwell upon, therefore will admit myself accountable for the £765; but to the next Article I cannot behave so complaisant. Mr. Inglefield had no Property in the Funds, from which I received Dividends; and this flat and positive Contradiction to the Agents Evidence, if false, he, or any one, can most easily refute by inspecting the Dividend Book of the Funds this £240 Interest is said to arise from. I received, in Mr. Inglefield's Absence, from Mr. Wright, £180, being the Amount of the Interest due on the Fortune left to me by my Father, which Money Mr. Wright, as Trustee and Executor to my Father's Will, received and paid to me, by Order of Mr. Inglefield, in his Absence; this, added to what I received from the Agent, make a Sum of £945; previous to accounting for the Expenditure of

this apparent extravagant Sum, I must examine another Passage in this worthy Agent's Deposition: he says, "he believes she allowed *her* Mother £60 per Annum:" What his Belief may be, I cannot say, but it must appear very singular to every one, that in the many Years intimate Acquaintance, set forth in his Deposition (see Appendix) that he should not know, that my Mother lived on an independant Fortune left to her by my Father; and that Captain Inglefield's Father died insolvent, leaving his Widow, Captain Inglefield's Mother, in distressed Circumstances: These are Truths well known to many in Deptford, Greenwich, and its Neighbourhood, and it is equally as well known, that the Annuity of £60 was paid by me to Captain Inglefield's Mother, not to mine: The Reasons for allowing this Annuity will hereafter appear.

I have condescended to permit myself to stand accountable for £945, from which subtract two Year's Annuity paid to Captain Inglefield's Mother, and there will remain £825; on first view, this Sum appears to justify the Charge against me, but when it was brought by Captain Inglefield, he artfully concealed the Incumbrances, and the needy Circumstances I was left under when he quitted Greenwich; these I must here, in my own Justification, disclose: On December 27, 1773, I was married to Mr. Inglefield, at that Time a Lieutenant in the Navy on Half Pay; previous to our Marriage, he had assured myself and Mother, that he had £400 in the Hands of his Friend and Relation, Mr. Slade, then abroad; but so far was this from being true, that it afterwards appeared, that Captain Inglefield, at the Time mentioned, owed Mr. Slade a considerable Sum of Money.

In January, 1774, Mr. Inglefield was appointed Lieutenant, on board the Marlborough; after that
unfortunate

unfortunate Ship was blown up, he was removed to the *Courageux*, and in the Year 1779, was appointed to the Command of the Lively Cutter; from the Time of our Marriage, to this last Promotion, we had had no other Income than what his Pay afforded and my Fortune of £90 per Annum. In this Period my two eldest Daughters were born; Part of the Time we lived in a House of eighteen Guineas per Annum Rent; when Captain Inglefield perceived it to be incumbent on him to assist his indigent Mother, it became necessary to retrench as much as possible, our Expences: with this View, we determined to take a House of less Rent. My Mother, perceiving the narrow Circumstances we were in, and knowing we could not afford to hire a House suitable to our Family, benevolently invited us to one of her Cottages, in which we lived upwards of two Years, Rent free. While Mr. Inglefield was Commander of the Lively Cutter, he took several small Prizes, and had the good Luck to capture a Vessel laden with Tea, by which he realized about £700 or £750: On the Strength of this valuable Prize, Mr. Inglefield, at Michaelmas, 1780, took a House at Greenwich, of £27 per Annum, and immediately after went on a Cruize; within six Weeks, he was appointed to the Command of the *Barfleur*, which sailed almost directly for the West Indies. Mr. Inglefield was very sensible, that hitherto our Poverty would not afford us to furnish a House of the Rent we had just moved into, and that the necessary Cloathings, &c. &c. &c. for our Family (now consisting of myself and three Children) had been very scantily supplied; this will appear obvious to any one who will reflect on the Narrowness of our Income (A Lieutenant's Pay and £90 per Annum.) Mr. Inglefield, before he left England, authorized me to furnish the House, and provide myself and Family

mily with the Necessaries that were so much wanted; but intimated a Desire, not to do this till the ensuing Spring, as he had been in some Measure disappointed in his Expectation of possessing the Produce of his Tea Prize, by his particular Friend having requested to borrow of him £600; this Request Mr. Inglefield could not refuse, and on his going Abroad, deposited in my Hands his Friend's Acknowledgement for the Loan, with strict Injunctions that I should not divulge the Nature of what was in my Possession (unless he died) and then I must, for myself and Children's Sake, enforce the Claim.

I have mentioned, in a preceeding Paragraph, that Mr. Inglefield thought proper to allot Part of his Income towards the Support of his Indigent Mother: It is necessary, to the Illustration of this Fact, that I state the Cause of her Dependence on him.

Mr. Inglefield's Father was a Quarterman, in his Majesty's Yard, at Deptford; he died considerably in Debt; his Widow (Mr. Inglefield's Mother) was Sister to the late Commissioner, Sir Thomas Slade, who, in Compassion to his Sister's Situation, was pleased to allow her £30 per Year: this Pension, after Sir Thomas's Death, was generously continued by his Son, till the Year 1777, when, for Reasons best known to himself, it was withdrawn. On the ceasing of this Annuity, Captain Inglefield found it necessary to assist his Mother, and expressing his Uneasiness thereat, from a Sense that our Income could but illy afford a Diminution; I offered to discharge one of my Maid Servants, then keeping two, to enable him the better to fulfil his Filial Duty; the Offer was chearfully accepted, and I found no Repugnance in living, on such an Occasion, with one Maid, though

though I had two, and afterwards, three Children to take Care of for a short Time, without any other Assistance.

Captain Inglefield was absent from Greenwich, two Years, two Months, and ten Days; on his Return to England, he had not, to the best of my Recollection, a Sixpence to pay on my Account, except one Quarter's Rent, and one Quarter's Schooling for my eldest Daughter, the Quarters being nearly expired when he came home.

From this faithful Relation of our Circumstances it is clear, that from the Time Captain Inglefield left me, I had to pay House Rent and Taxes, Repairs, and the Expences incidental to moving, together with new Furniture, and Household Linen (Articles we were much in want of) also to maintain my two eldest Children in Board and Education, and my youngest at Nurse; to these Expences are to be added, Servants Wages, and Cloaths for myself and three Children, two of whom were fitted up to appear suitable to Captain Inglefield's Rank, and sent, for the first Time, to a Boarding School. When the Reader has made an Allowance for these necessary Expences, and subtracted that from the Money I received, I flatter myself he will acquit me of Extravagance; and when he further takes into Consideration, that I then had to maintain, with the remaining Money, my Family, consisting of myself, two Maids, and my Children in the Holydays, and, almost constantly, one or other of Mr. Inglefield's Sisters, and, frequently, his Brother in Law, Mr. Thompson; the Latter I readily acknowledge made frequent small Presents to indemnify me, as he professed, for the additional Expence I incurred from his Visits; the Frequency of those gave him full Opportunity narrowly to observe my Conduct; and

as an additional Testimony of its Propriety, I shall take the Liberty to transcribe a Paragraph from the first of his Letters, written in Answer to my Application to him, requesting his friendly Assistance in my Distress :

“ I can give you but little Comfort, from being
“ ignorant of the Springs which has given Occa-
“ sion to your Husband’s Jealousy; but I must
“ think it strange, that a Woman, whose Beha-
“ viour, during the Time her Husband was a-
“ broad, was exemplary and praise-worthy, should
“ now, when he is present with her, be suspected
“ of a criminal Correspondence with any one,
“ much less with a black Man; on which Idea, I
“ should think, a Woman of any Sensibility would
“ abhor the Thoughts of.”

Soon after Mr. Inglefield’s Return to England, he received from my Trustee, under my Father’s Will, £300 and upwards, in Right of being my Husband: This Money came to me in Consequence of my Father bequeathing to a Son by a former Wife, £30 per Annum, on Condition, that if it was not claimed within ten Years, it should devolve to me: The young Man having been many Years dead, the Legacy became my Right. Hence, I was not in the Possession of £120 per Annum, till Mr. Inglefield came home from the West Indies. In about three Months after his Return, he was appointed to the Command of the Scipio, afterwards stationed as Guard Ship, at Sheerness: He then thought it incompatible with his Duty (perhaps more with his Inclination or Design) to live at Greenwich, therefore took a House at Singlewel, near Gravesend. I accompanied him there; and cannot but now observe, that from this Change of Residence, I date the Commencement of my Misfortunes. When we
were

were settled at Singletwell, I was, for the first Time in my Life, Eighteen Miles apart from my Greenwich Friends; in Lieu of their Company, which I had been accustomed to for Years, I was surrounded by Strangers, in a Situation so retired, that the few who honoured me with their Visits, lived at no less than two Miles Distance from our Dwelling: As I had been used to a reclusive Life, I could have been happy in this lonely Situation, provided Mr. Inglefield had given me, when at Leisure, his Company; but Business or Pleasure too frequently depriving me of that Gratification, I could not be even comfortable; particularly when I found the honorary and compassionate Distinctions, by which Captain Inglefield's Conduct and Misfortunes were noticed, had given Birth to Ideas destructive of my Happiness; when I found he had—But stop!—I write this Preface to vindicate my own Character, in so doing, I mean not to criminate his more than the Justification of my own renders eventually necessary.

Since my Separation from Captain Inglefield, I have been informed, from unquestionable Authority, that he has represented me to be fond of a retired Life, and low Company: I confess to have acquired, by Habit, a Predilection for Retirement, but low Company has ever been my Aversion. I had good Reason to conclude my Partiality for a reclusive Life was not disagreeable to Captain Inglefield, as my Dress was rarely suited to appear in public, consistent with his Rank and Station; I could therefore seldom accept (which met with his Approbation) the Invitations I was honoured with; yet Captain Inglefield has thought proper to apologize for these unintentional Incivilities, by insinuating my Disinclination for Company, and my natural Shyness, or, as he has somewhere expressed it,

it, my *Mauvais Honté*. These acknowledged Traits of my Character, surely ill accord with the Charge of Extravagance, and the infamous Behaviour I have been accused of.

Captain Inglefield has insinuated in the public Papers, that my Readiness to consult Mr. Mills was unbecoming and indelicate: the following Recital of Facts will silence even Detraction herself on the Subject.

On the 24th of December, 1784, my Mother received a Letter from Captain Inglefield, announcing his Intentions of never seeing me more. I was then at her House, in hourly Expectation of being joined by him, to spend together the Christmas, at Greenwich. Immediately, I had sufficiently recovered the Agonies, the reading this Letter threw me into, I went to his Agents, from whose House, I understood, the Letter had been sent; on my Arrival, the Servant said, Captain Inglefield was dining with his Master; I was put into a Room, little short of Distraction, where Albert Innes, and his Lady came to me, they both assured me Captain Inglefield was gone down to the Ship, and that they knew not the Contents of the Letter which had so visibly agitated me. I returned to Greenwich, and spent the ensuing Night in Distress not to be described.

On the following Day, I received three Letters from Captain Inglefield, fraught with bitter Invectives, and unjustly branding me with Infamy; these adding to my Distress of Mind, I sunk into Hysterics; my Mother, alarmed at my Situation, sent for Relief to Mr. Mills, but not requiring his Attendance (from not chusing to divulge the Cause of my Distress); Mr. Mills only sent me what he thought proper, from the Servant's Description of my apparent Illness. In the Afternoon my Mother,

ther, finding her consolatory Advice and Endearments made but little Impressions on me, and that I was miserably dejected, and almost desponding, conceived that the Conversation of a pious Clergyman might relieve me, she therefore sent to a Gentleman who has lived many Years in Greenwich, and who always has born the respectable Character suitable to his clerical Function; while this Gentleman was sitting and discoursing on the Subject of my Unhappiness, Mr. Mills came to visit me, in Consequence of a second Message sent to him by my Mother; I then, by the Recommendation of the Reverend Gentleman, and Persuasions of my Mother, related to Mr. Mills, in general Terms, the Cause of my Illness, and at the Time implored his Advice. But if, immediately on the Receipt of Captain Inglefield's Letters, I had sought Mr. Mills, and communicated to him their Contents, and at the Time craved his Assistance to extricate me from my Distress, surely, not the least Shadow of Blame could be thrown on me, circumstanced as I was, for such a Conduct.

The retired Manner in which I had been Educated and lived, afforded but little Opportunity to make Friends, or even Acquaintance; and of the few I had gained, I was sensible there were none (Mr. Mills excepted) on whose Judgement I could sufficiently rely, to be guided by their Advice how to act in my important and wretched Situation, or who would interfere in the unhappy Difference, further than Murmurs of Pity for the cruel Usage I had received; to whom then could I apply for Assistance with more Propriety than Mr. Mills; a Gentleman whom I had respected for many Years, who had assiduously attended my Father in his last painful Illness, and has since attended my Mother, Children, and myself (till I left Greenwich) in
every

every Case that has required his professional Assistance; happy in Matrimony, and the Father of six Children: My Gratitude here prompts me publicly to thank him for the repeated Acts of Friendship he has shewn to me and my Children; but I shall refrain from attempting to obey its Dictates, as no Words can do Justice to the overflowing of a grateful Heart.

From this Recital of Facts, I trust there is no Room to censure me for consulting Mr. Mills.

Mr. Inglefield's having continually asserted that my little Girl had declared to him, she had seen her Mama kiss the Black, has led many to doubt my Innocence, who before did me the Justice to suppose me free from Guilt.

When I first heard of this untrue Assertion, my Daughter, four Years and a Half old, was with me, in the Christmas Hollidays, at my Mother's, and was there frequently questioned, by my Friends, if she had ever seen the alledged Indecency; to which she as constantly replied, No; and has since told the artful Manner by which she was lead to assist in supporting the Accusations against me: While she was on a Visit to a Lady of amiable Manners and undoubted Veracity, whose Name I am not here at Liberty to mention, she frequently played with a black Boy (a Servant) about twelve Years old; and, one Day, in the Course of her Play, was observed to kiss him, for which she was taken to task by the Lady, who, in reprimanding her, pointedly said, "Fie, Miss Inglefield, what, kiss a Black! are you not ashamed to do so, did you ever see any one kiss a black Boy?" The Child cried very much, and replied, she had kissed him for dancing. But had she ever seen me guilty of such Indecorum, her little Tongue, on this Occasion, would have immediately betrayed me.

But,

if a Man is base enough to seduce his Servant, between eighteen and nineteen, to swear to what is not true, can it be wondered, that he should make his own Child, between four and five, to prattle whatever may suit his Purpose, especially if, in his Carriage to his Children, he has paid so little Regard to Religion and Morality, as to teach and delight to hear them swear and blaspheme, in Imitation of the poor ignorant Sailors under his Command.

It is worthy Observation that she is the only Child who (pending the Suit) has been removed from any Intercourse with me and my Friends.— Early in the February following Mr. Inglefield's Rupture with me, she was placed upwards of eighty Miles from me, and detained *against my Consent, and in direct Violation of a solemn Promise*, under the Care of Mr. Inglefield's Sister and Brother in Law, who, *like Macklin's Man of the World, bowing with all Sycophantic Obsequiousness to the great Man, their Brother, the Captain*, have, with unpardonable Indelicacy, cherished and supported my dear Child in the imaginary Recollection of her Mother's Indecencies.

I have been much chagrined to hear, that some of those who wished me well, have thought me wrong in taking my Children, and secreting them in the Manner I did; yet, I hope their Sentiments in this Respect, will be altered, when they have considered, with due Allowance to a Parent's Anxiety, the Circumstances which led me to this (in their Opinion) imprudent Measure.

One of the first Considerations that suggested itself, when I had received Information that John Webb had recanted the Falsehoods he had uttered against me, and wished to relieve his distracted Mind, by revealing the Truth in a Court of

Justice, and when I knew proper Measures were taking to produce him at the Commons for this Purpose—One of the first Considerations, I say, that suggested itself, was, what Conduct Captain Inglefield would probably pursue, when he perceived his Scheme detected, and likely to be exposed: I apprehended, that Shame and Indignation would immediately actuate his high Spirit, and feared, that he might, in the Height of these Passions, quit England, and, in Revenge, take with him his Children, to place them, as he had threatened, “in a distant Quarter of the Globe, that I might see them no more.” Big with these Apprehensions, I resolved to have my Children under my own Protection, accordingly, I carried them to my Retreat, where they remained three Months; during this Time, every Branch of their Education was duly attended to.

When Captain Inglefield had served me with an *Habeas Corpus* to produce my Children, I took the earliest Opportunity to obey the Mandate, and appeared before the Right Honourable Judge Willes: My attorney stated to his Lordship, the Reasons that induced me to secret them, and produced Vouchers sufficient to satisfy his Lordship that my Apprehensions were justifiable: therefore, his Lordship was pleased to order, that my Children should be returned from whence they had been taken, with Injunctions, that they should remain there until the last Day of the ensuing Term, with Leave for each Party to visit them at reasonable Hours, and to apply, in the mean Time, if they thought proper, to the Court of King’s Bench.

On the Close of the Term, Mr. Bearcroft moved the Court, in my Behalf, to have the Order of the Right Honourable Judge Willes formed into a Rule:

Rule: The Judges, having heard Mr. Bearcroft's Plea, and having examined the Affidavits and other Papers, adduced in support of the Motion, were pleased to extend the Order to the first Day of the ensuing Term, viz. January 23d, in Form of a Rule of Court, with Injunction, that Mr. Inglefield should then shew Cause why that Rule should not be made absolute. — On the 25th of January, Mr. Erskine, in behalf of Mr. Inglefield, addressed the Court to prevent the Rule from being made absolute: The Court, on his Application, refused any further Interference, on the Ground, that a Father was by Law entitled to the Possession of his own Children, but on Abuse of this Power, the Mother might apply for Remedy to the Court. Hence, the Court did not examine the Affidavits prepared.

Some of my Friends informed me, early in the Summer 1785, Mr. Inglefield had assured them, "That my Trial was over, and that my Infamy was completely established." — The following Publications will effectually evince the Falshood of this Assurance, and, I trust, will equally convince the Public, that the putting off the Cause, in November, 1785, was not (as has been most unjustly reported) owing to me: So far indeed was I from wishing to procrastinate the Business, that I applied early in November, to my Proctors, earnestly entreating they would bring the Cause to be argued with all possible Dispatch; they assured me, with great Politeness, they would use their Endeavours to bring the Process to an immediate Conclusion. Some little Time after this, they gave me to understand Mr. Inglefield had given Notice, he was preparing fresh Allegations, and in Consequence of this Notice, the Suit could not be determined that Term; the Practice of their Courts allowing Mr.

Inglefield till the first Day of the ensuing Term, viz. January 23d, 1786, to prepare and bring the Allegations in; I was therefore under the Necessity of submitting to this Procrastination. On the 18th of January, Captain Inglefield produced his fresh Allegations; I soon after had the Pleasure to hear, that he did not mean to throw any more Impediment in the Way, to the Cause being argued; yet, as there were many fresh Witnesses to be examined, in Consequence of these last Charges, the Cause could not be heard before the next Easter Term. From this faithful Statement of Facts, the Public will see that a legal Adjudication could not, by me, have been earlier obtained. What I conjecture to have been Mr. Inglefield's Intentions, in procrastinating the Business, I shall here forbear to mention, but must confess, the producing the last Allegations, has done me signal Service; without them I could not have laid before the Court the Evidence, that fully proves Webb's Confession to be unexpected and unsolicited on my Part, and perfectly voluntary and the Effects of Remorse of Conscience on his.

Some impartial People have argued, that my Mother's House should have been my Asylum, and have censured me for quitting it; I readily acknowledge that a Parent's House should be the Refuge for an *innocent unfortunate Child in Distress*; and I should have thought myself happy under my Mother's Roof, could I have remained there unnoticed by all, except *my* Friends; but as this could not be, from Mr. Inglefield's frequent Visits at Greenwich, I was under a Necessity, for my own Repose, of quitting the Place.—It is easy for the Humane to conceive, that after the Shock I had sustained, and the anxious and agitated State of Mind I had since continually laboured under, that
my

my Health and Spirits must have been considerably impaired; in Fact, they were so, and to restore them, Air and Exercise were recommended; but how could I partake of these Benefits at Greenwich? Mr. Inglefield was frequently at his Sister's, he visited some Gentlemen in the Neighbourhood, and paraded about the Town with his usual Effrontery: I was always liable to meet him, either in my Walks, or in going to and fro from Greenwich to London in the Stage Coach; in either Way, the Meeting would have been to me highly distressing.

Although I had been free from all Apprehension of encountering Mr. Inglefield, I could not divest myself of the very unpleasing Idea, that many pointed at me, as I passed the Streets, for a guilty Woman: I was lead to think this, from imagining that, to whomsoever Mr. Inglefield told his Tale, it was received as a Truth; his Rank, his Character (then standing publicly undetected in Falshoods) and his Address, stamped an Appearance of Veracity on his Assertions, that would mislead most People to credit him; there were few who would doubt him, and fewer yet who would openly avow they disbelieved him, lest a declared Suspicion of his Veracity, might have been attended with disagreeable Consequences.

Under all these Circumstances, I hope I shall stand excused for quitting my Mother's House, and seeking an unexceptionable Retreat, where I might, unnoticed, reap the Benefit of Air and Exercise; where I might remain unknown, till the Determination of my Cause, to which Event I looked with a pleasing Expectancy, that my Reputation would then be restored, and the Opprobrium I was branded with, would then be converted into Terms of Commiseration for the ill Treatment I had received.

Fully sensible, how immediately necessary to my future Happiness it was, that my Reputation should be cleared, I determined neither to offer or accept any Proposals, either for Reconciliation or Separation, till I had justified my Character: I was conscious of my Innocence, and, under that Conviction, wished for no other Means to establish its Proof, than to face my Accusers. This was my first Request, a Requisition, founded in Reason, Law, and Equity, granted to the meanest Culprit, yet denied to me; it was urged to Captain Inglefield, on the earliest Opportunity, by a Letter written to him, December 25, 1784, at 5 o'Clock in the Morning, in which I solemnly maintained my Innocence, implored an Interview, and expressed to him (if not with Elegance, at least with Energy) the genuine Feelings of my distracted Soul, in these Words: " Oh! believe me, I am
 " not a guilty Woman; Oh! I have not injured
 " you nor my dear Children in my Life; and, be-
 " lieve me, my Conscience acquits me of ever act-
 " ing wrong, or of the least Intention to act
 " wrong; Oh! what am I accused of? I must
 " beg and intreat to have my Accusers brought to
 " my Face; I am not ashamed to meet them, be-
 " they whom they will, for my Conscience is clear
 " of Guilt; and sure your Heart is too good to
 " deny me that Justice before you give me up;
 " I am sure your Heart is so good, that you will
 " seek to have your poor Wife's Innocence clear-
 " ed; *I ask only for Justice*; I have not, nor ever
 " had, a depraved Heart; I have not a Doubt,
 " but the same Providence which preserved you in
 " your Distress, and restored you to me and your
 " dear Infants, will clear my Innocence." To
 this Mr. Inglefield returned an Answer couched in
 such passionate Invectives, as deterred me ever to
 address him again on the Subject.

It was always my Wish, in Consideration to my Children, that the ill Treatment I had met with from Captain Inglefield, should remain secret, and if the inevitable Consequence must be a Separation, it should be privately adjusted.

From the Moment I received Captain Inglefield's Letter, informing me that the Boy had been before a Magistrate, and sworn to the indecent Familiarities I stood accused of, I was sensible there was Nothing could effectually do away the Infamy I was, by this false Oath, unjustly stigmatized with, but an Examination of the Black before a Magistrate, at Greenwich, in the Presence of my Friends; for, as Captain Inglefield, to serve his own Purpose, had the Boy examined, and sworn, at Rochester, before his Friends, it was but just and reasonable that I should have the same Opportunity to exculpate, as he had taken to criminate: Mr. Mills (as will be presently shewn) petitioned, in my Behalf, that this Satisfaction might be granted me; but this, like the former equitable Request, was refused: All friendly Interference being rejected, I had no other Way to clear my Character, now publicly traduced, than by an open Appeal to the Laws of my Country; accordingly, on Thursday, January 20th, I gave the necessary Instructions to my Proctors, and on Tuesday, the 25th, the final Orders to proceed against Captain Inglefield. On the next ensuing Friday, Mr. Inglefield was informed of this Step by Mr. Mills, to whom he expressed himself, glad of it, "as he had all his Witnesses up ready;" nevertheless, only *two short Days* intervened, when he came to Mr. Mills and delivered the following Proposals, in Writing, to stop Proceedings:

" Captain Inglefield's most ardent Wish that
" this disagreeable Business should be examined in
" the

“ the Spiritual Court; though he has Nothing to
 “ expect by so public a Decision, it would be
 “ announced to the World, at least, Mrs. Ingle-
 “ field’s criminal Intentions: He had Reason to
 “ hope it would have been finished in the present
 “ Term, but finding that impossible, and a Variety
 “ of disagreeable Consequences may be the Result
 “ of a Procrastination, which would be dreaded
 “ by both Parties, if they had equally a good Opi-
 “ nion of their Cause, for as she is obstinate in
 “ persisting in her Innocence, she is of Course
 “ impatient to obtain any Examination that may
 “ lead to prove it; he therefore proposes,* that the
 “ Witnesses should be examined in the Presence of
 “ Friends to both Parties; and wishes particularly
 “ that the Person, in whose Presence she made the
 “ Oath,† should be present. If she refuses this,
 “ he should no longer suffer himself to be guided
 “ by that Moderation, with which, as yet, his
 “ Conduct has been marked: He will of Course
 “ caution all Tradesmen and others, in the public
 “ Papers, not to consider her as his Wife; and he
 “ will

* My Impatience to obtain such Examination which might
 lead to a Proof of my Innocence, may clearly be seen, by re-
 ferring to the Extract from my Letter (Page xx) to Mr.
 Inglefield, dated December 25, 1784; from my Letter to
 Commodore Bowyer (Page xxiv); from Mr. Mills’s two Let-
 ters, the one January 10, the other January 18, 1785; the
 Tenor of all these was, *Let me face my Accusers*; but this was a
 Piece of Justice Mr. Inglefield chose to refuse me, for such ob-
 jectious Reasons, as will presently appear.

† The Oath here alluded to: Ann Inglefield, Wife of
 John Inglefield, Captain of his Majesty’s Ship Scipio, this Day
 says, that she, the said Ann Inglefield, has at no Time been
 guilty of those indecent Familiarities she stands charged with,
 in a Letter from the said John Inglefield, Esq; directed to her,
 and received December 25th, 1784; and she, the said Ann
 Inglefield, further says, that she has not given, or allowed,
 either

“ will not be answerable for any Debts she may
 “ contract; and having now generously offered
 “ more, he thinks, than any Man would have
 “ done,

either by Word or Action, to any other Person or Persons, than
 the above mentioned John Inglefield, Esq; the least indecent
 familiarity.

Sworn before me, this 13th Day of January, 1785,

Edward Edwards,

Arch Deacon of Brecon,

And one of his Majesty's Justices of the Peace,
 now resident at Greenwich.

The above Affidavit was sent to Mr. Inglefield enclosed in
 the following Letter :

“ Sir,

“ Professional Business prevented my sending that immediate
 “ Answer to your last Letter I wished; I am sorry you reject
 “ a friendly Conference, proposed and intended, on my Part,
 “ to prevent this unhappy Breach being brought into a Court
 “ of Judicature.

“ I would not wish to believe it possible, that Captain Ingle-
 “ field can act in the Manner he has done, without such Ap-
 “ pearances as carried Conviction to his Mind; but that those
 “ Appearances are false, and that Captain Inglefield has been
 “ most grossly mislead, I must and will believe, so long as the
 “ enclosed Affidavit, made in the most solemn Manner, in my
 “ Presence, remains uncontradicted; by Evidence as solemnly
 “ taken and examined. You wish me to urge Mrs. Inglefield
 “ to institute the Suit; I must assure you, that I cannot do; It
 “ is a Point, in my Opinion, she alone must determine on.—
 “ The only Advice I have given, or shall give, on this Sub-
 “ ject, is this: Go, Madam, by yourself, to your Proctor, lay
 “ before him every Circumstance of the Affair, without the
 “ least Reserve; when you have in the fullest Manner con-
 “ sulted him, and heard what he has to say, determine for
 “ yourself; no one can determine for you, or ought to re-
 “ commend what Measures you should take.

“ The Mediation of Friends, I should think, deserves to be
 “ considered the true Interest of both Parties. You desire I
 “ will place myself, for a Moment, in your Interest; I have
 “ done more, I have supposed myself in your Situation; when
 “ the following Reflections have taken Place:

“ No Divorce can be obtained; a Separation must ensue;
 “ can it reflect on my Honour to have a Friend on each Side
 “ attempt

“ done, in a similar Situation, feeling himself so
 “ much injured : He will cease to think she has a
 “ Right to expect a single Sixpence from him ; and
 “ he will take Care to place himself in a Situation
 “ that will discourage any Person from giving her
 “ Credit, and prevent himself from being impor-
 “ tuned.”

These Proposals, when stripped of their idle Me-
 naces, contain, in Part, the Substance of Mr.
 Mills's Request, made in my Behalf, January 10,
 as may be seen by the following Extract from that
 Gentleman's Letter : “ Mrs. Inglefield, supposing
 “ that if the black Slave could be confronted with
 “ her, before a Magistrate, he would not persist in
 “ those Falshoods he has too successfully enraged
 “ your Mind with : On consulting how to get the
 “ Boy to Greenwich, for that Purpose, she is in-
 “ formed the Law makes no Provision ; she then
 “ applied to the Commodore*, who has rejected
 “ her

“ attempt to adjust this Separation privately ? If this Business
 “ is brought into a public Court, shall I not risque having my
 “ Follies and Indiscretions exposed, with a Train of disagreea-
 “ ble Consequences ?

“ The Answer to these Queries would immediately lead me
 “ to wish a friendly Interview, to privately adjust this Busi-
 “ ness.

Yours,

§. G. M.

Greenwich, January 18, 1785.

* The following is the Application to Commodore Bowyer,
 mentioned in Mr. Mill's Letter :

“ Sir,

“ The great Distress of Mind I am in, will duly apologize,
 “ I hope, for the Liberty I now take, in addressing to you, a
 “ Letter, with a Request, which I acknowledge I can only be
 “ justified in making, by the urgent Desire an injured Wife
 “ has to prove her Innocence, and convince a deluded Huf-
 “ band how false and injurious his Accusations have been.

“ I cannot,

“ her Request, intimating you had procured his
 “ Discharge. Permit me now, Sir, to claim your
 “ serious Attention: The dreadful Consequences
 “ of a Separation to your dear Children, you must,
 “ e’re now, as a Father, have foreseen; you must
 “ have reflected, with Anguish, how unprotected,
 “ ed, and, consequently, how open to the De-
 “ lusions of the World they must be, while you are
 “ filling the Duties of your Profession; they can-
 “ not always remain at School; and when the
 “ Time shall come, that their Age shall entitle
 “ them to enter into the World, how much Cause

“ I cannot, in Delicacy, Sir, inform you of the particular
 “ Accusations I am charged with; suffice it to say, I am ac-
 “ cused, by my Husband, of indecent Familiarities with his
 “ black Servant. I know my own Innocence, and, under a
 “ Consciousness of that, dare submit every Part of my Con-
 “ duct to the severest Scrutiny. My Husband writes me Word
 “ (for he has forbid me ever to see him or write to him again)
 “ that this Boy has sworn to the Indecencies he charges me
 “ with. It is my most earnest Desire, to confront this Boy,
 “ with certain Friends, when, I flatter myself, the Result of
 “ such an Interview will tend to undeceive my Husband, and
 “ restore me to his lost Affection. I understand, Sir, it is in
 “ your Power (as Commodore) to afford me this Opportunity
 “ of vindicating my Character: let me entreat you to order
 “ him from the Scipio, to my Mother’s (Mrs. Smith’s, near
 “ Blue Stile, Greenwich) where I am, that I may there, in the
 “ Presence of some chosen Friends, examine into the Motives
 “ that led him to assert such diabolical Falshoods. I trust this
 “ Request your Goodness will not refuse, and under anxious
 “ Expectations for an Answer, I wait the Return of Bearer.

“ The Black is called John Webb, and rated as Seaman,
 “ he is a black Slave, given to my Husband by Captain
 “ Affleck.

“ Your humble Servant,

Ann Inglefield.”

Query. Can the Appellations of Cunning and Art, be as-
 cribed to the Language, the Mode, or Intention of this Appli-
 cation; certainly to neither; yet Mr. Inglefield has branded
 the Letter with such undeserved Epithets.

“ will

“ will they have to lament this cruel Separation;
 “ if it is possible to effect a Reconciliation, for
 “ your innocent Children’s Sake, do. I am sensi-
 “ ble you cannot immediately live together with
 “ that Harmony you once did, but am confident,
 “ with the Assistance of Friends (and earnestly in-
 “ treat an Interview for that Purpose) that Means
 “ might be devised, that would secure to your
 “ Children that maternal Protection they so much
 “ want; and lay it in the Power of Time, without
 “ any Impeachment to your Honour, to heal a
 “ Wound, that a Persistence in the present in-
 “ tended Measure may render incurable: As Mrs.
 “ Inglefield thinks she can vindicate her Character
 “ to her Friends, by bringing the black Boy be-
 “ fore a Magistrate, at Greenwich, and fears to
 “ write to you on the Subject, permit me, as a
 “ Friend who wishes most sincerely to see Recon-
 “ ciliation take Place, to ask your Assistance to
 “ procure her this Satisfaction: An Order from
 “ you to him, I apprehend, will bring him to
 “ Greenwich, and prove, if you should condescend
 “ to grant it, of Use in preventing further unplea-
 “ sant Measures.”

Mr. Inglefield, in place of granting the Request
 made in the foregoing Quotation, pressed Mr.
 Mills to urge me to institute the Suit against him.
 But had Mr. Inglefield been the injured Husband
 he represented, had he possessed that parental Af-
 fection for his Children he professed, had he been
 acting the upright and honourable Part he wished
 the World to give him Credit for, he, or his
 Friend, would certainly have given Mr. Mills a
 Meeting, and acceded, without Hesitation, to the
 fair and honourable Examination proposed; for
 what, from such Conduct, could Mr. Inglefield
 possibly have to dread, admitting his Assertions,

of being ocular Witness to several of the Indecencies I stood accused of, to have been true; on the Contrary, if, from a Determination of parting from me, he had fabricated the Accusations, for the Purpose of sheltering himself from those deserved Reproaches, he was to expect for discarding a faithful Wife, he had much to fear; he might doubt the Boy was not, at that Time (January 10) sufficiently practised in his Story; or, was not sufficiently hardened by Vice to meet, with a steady, unappalled Countenance, the Enquiries of an *impartial* Magistrate: Hence, Mr. Inglefield had every Reason to evade delivering up the Boy, to be questioned in my Presence, that Fear of Detection could suggest; he knew the Practice of the Ecclesiastical Courts did not admit the Witness to be confronted with the Accuser; on these Grounds he concluded, should an Examination in that Court take Place, such was best suited to the Boy's abject Situation; he consequently assumed an apparent Earnestness to have the Black examined there, in Preference to the Examination required; foreseeing that, at all Events, should this apparent Earnestness fail of *intimidating* me (as he vainly hoped) from proceeding in the Suit, or dispiriting my Friends from supporting me, the Rejection of Mr. Mills's Petition, would gain Time to practice on the Boy, and perfect him in his Story; besides, Captain Inglefield might hope, and flatter himself, that my avowed Intentions of bringing the Suit against him, were, like his own Threats, mere Rant of affected Passion, never meant to be carried into Execution.

In the Spiritual Court, the Evidence is privately taken, which Privacy precludes any Judgment from being formed, respecting what Share of Credit should be given to the Testimony of a Witness, by
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the Manner in which he delivers his Evidence.— In the Examination I petitioned for, every confused Look, every Hesitation, every Prevarication, would have been strictly watched, and duly scrutinized; such Scrutiny would have been the Test of Truth. It was not Captain Inglefield's Wish, to have the Truth revealed, therefore, he dared not submit the Boy to such a Criterion, well knowing, that the Black was not, at that Time, sufficiently prepared to undergo an Examination of my Friends, who deemed me incapable of acting the base Part laid to my Charge.

Mr. Mills delivered to me Captain Inglefield's Proposals, on the 31st of January, 1785, with nearly the following Words: "There, Madam, are the only Proposals, Captain Inglefield says, he will ever make you; if you refuse to accept them, he declares, by God, he will quit England." On reading them, I clearly perceived his Threat, of quitting England, was to be considered as an explanatory Comment on these Words of the Proposals: "He will take Care to place himself in a Situation, that will discourage any Person from giving her Credit, and preventing himself from being importuned." Wishing to know what Effect his quitting the Kingdom might have on my Cause, I determined to consult my Proctors, before I returned any Answer; immediately I was assured by them, that I might make myself easy on that Head, I empowered Mr. Mills to send the following Letter:

"Sir,

"Agreeable to my Promise, I waited Yesterday Afternoon on Mrs. Inglefield; she has this Morning consulted her Proctors; I am by her instructed to say, that the accepting the Proposals I delivered to her, and relinquishing the
"Suit,

“ Suit, as Affairs are *now* circumstanced, would
 “ be construed a Fear, on her Part, to meet your
 “ Accusations in public Court; as she has no such
 “ Fears, and entered the Process to justify her
 “ Character to the World and her Children, she
 “ cannot withdraw it: But, if Captain Inglefield
 “ admits the Process to go forward, till the Court
 “ shall issue a Decree, which may be immediately
 “ obtained, she, instead of enforcing it, is willing
 “ then to enter into Articles of Separation, to be
 “ settled by Friends on each Side.

“ Your humble Servant,

“ Samuel Gillam Mills.”

“ February 1, 1785.”

If Mr. Inglefield had accepted my Proposition, the Decree for him to receive me again as his Wife, would have been obtained that term, consequently, Procrastination, and its attending Consequences, would have been avoided. Had the Decree then been obtained, it would have been as now, a legal Acquittal of the Charges brought against me; and I should have depended on a mental Acquittal from my Friends, by a private Examination of the Boy, whenever it could be procured, together with a Publication of certain Acknowledgements and Terms I had meant to have inserted among the Articles of Separation.

Exclusive of the Motives expressed in Mr. Mills's Letter, for rejecting Mr. Inglefield's boasted, specious, and artful Proposals, there were other no less cogent Reasons.

I could not persuade myself, as the Affair was now become *public*, that any *private* Examination of the Black would answer my Purpose; but against the one proffered, there were very strong Objections. I had good Reason to believe, that from
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the Time Mr. Inglefield deserted me (December 24) to the Time he was apprized of my having given Orders to commence the Suit against him (January 28) he had well tutored the Boy, and found him, by repeated Trials in that Space, to be prompt in his Tale, that he could tell his Story glibly, and could, undauntedly, answer Questions on the Subject, with a Facility likely to ensure Belief: Mr. Inglefield, elated with this adroitness of his Pupil, and foreseeing, from the Information given by Mr. Mills, that, at all Events, the Black must be examined, resolved to present his specious Proposals, which, if accepted, would evade the more serious Investigation of his Conduct in a Court of Law. But my Character had been too publicly defamed to be now cleared by a private Examination; the which, from the Manner it was proposed to be conducted, did not promise any satisfactory Event; for the Terms of these Proposals express the artful Caution with which Mr. Inglefield was under a Necessity to act, his Words are: "That the Witnesses should be examined in the Presence of Friends of both Parties." This Sentence strongly implies (all Circumstances considered) that he could not trust, even now, the Boy to be examined, but *under the Eye of his Friends*; I therefore clearly saw, that no Examination, in the Presence of Mr. Inglefield's Friends, was ever likely to draw forth the Truth, as long as the Black remained with Mr. Inglefield as his Sailor, his Servant, and, in the Operation of his servile Mind, his Slave; I was convinced I could not, till he was liberated from these Fetters, ever expect a Recantation of his Falshoods.

Captain Inglefield first assented to my Proposals, as will appear by the following Extract of his Letter,

Letter, addressed to Mr. Mills, and then pursued the Suit, as is related in the Proceedings :

“ Sir,

“ I have this Instant received your Letter, and
 “ acquaint you, that if a Decree in the Spiritual
 “ Court can be obtained, so soon as you describe,
 “ that I have not only no Sort of Objections to the
 “ Process going on, but assure you, I prefer it to
 “ any other.”

From the first, I determined to accept no Terms that might be considered an Acquiescence in a Separation, until full Justice was done to my Character ; in Consequence of this Resolution, I would not hearken to Albert Innes, the Navy Agent, who, commissioned by Captain Inglefield, came to me, January 6, 1784, with an Offer of a Settlement, and his Services to accommodate an immediate Separation. I too well knew this Man, and the Obligations he lay under to his Employer, to believe that he would act, for one Moment, otherways than in strict Subserviency to Captain Inglefield's Wishes ; therefore he was not the Person whom I could consult as a Friend, and the Tenor of his Errand was such as, being innocent, I could not accept ; hence, I rejected the proposed Annuity, and his Offers, with due Contempt.

But had I been the infamous Wretch described, I should most chearfully have accepted every Means that lead to a speedy Accommodation.— Captain Inglefield, in his Letter to my Mother, of December 4, 1784, says, “ I have desired Mr. Innes to call upon you next Thursday, who has my Directions to inform your Daughter I have directed him to pay her £60 a Year.”—In his Letter to me, received on the same Day, he writes, “ Though
 “ there is more than sufficient to obtain a Divorce,
 “ still, as you have borne me four Children, I will

“ not disgrace you, nor your Sex, in a Court of
 “ Law, nor will I reveal those disgraceful Particu-
 “ lars which have been told me, I have therefore
 “ bound the Parties to an Oath of Secrecy.”—
 Here then, I have, under Captain Inglefield’s
 Hand, not only the Assurance of a Settlement, li-
 berally proportioned to the Fortune I brought him,
 but a concealment of the Alledged Crimes, under
 an Oath of Secrecy: What could I, if guilty, de-
 sire more? Captain Inglefield, in his Letter to me,
 writes, “ I am at Length, too well informed of
 “ the Whole of your Conduct; a Letter put into
 “ my Hands at Chatham, gave me to understand,
 “ how much I have been deceived and laughed
 “ at; the Boy has confessed and explained every
 “ Circumstance which has passed between you and
 “ him: It is true, that I knew a great Deal more
 “ from my own Observations, much more than
 “ you imagined, having myself seen him kiss you,
 “ and some other Familiarly.” In another Letter
 he asserts, my supposed Indecencies were “ known
 “ to all the Servants, and to be the Joke of the
 “ Kitchen.” With such Assertions of Criminality,
 so unequivocally maintained by the injured Party,
 and so positively supported by the averred Partaker
 of the alledged Infamy, I must, had I been guilty,
 have sunk under an upbraiding Conscience, with-
 out daring a Vindication: But, conscious of my
 Innocence, I felt it a Duty to myself, my Chil-
 dren, and my Sex, to refute the vile Calumny, by
 the solemn Testimony, recorded in the following
 Pages,

From what I have related, it is evident I thought
 my Character could only be cleared, by facing my
 Accuser, or having him examined by due Course
 of Law: When I found no friendly Intercession
 could procure the Former, I was constrained, being
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the only Resource left, to seek Redress for my injured Reputation, through the Means of the Ecclesiastical Court. When I had taken this Measure, it was too late, for Reasons before stated, to accept Captain Inglefield's Proposals; when compelled, by Captain Inglefield's Conduct, to justify my Character in the Face of the World; I was under no Apprehensions for the Event of my Cause; I confidently hoped, that when the Black came to be questioned in Court, that he would be led, by Fear and Confusion, sure Companions of Guilt, to give, at least, a prevaricating Evidence, if not to betray the Truth: In Opposition to his False, and in all Likelyhood, contradictory Testimony, I was satisfied the Fairness of my Character would be set in it's proper Light, by the clearest and most respectable Evidence; this, together with a Chain of Circumstances, which would appear in my Favour, and a firm Reliance on the Integrity and Impartiality of my Judges, made me wait with no Anxiety for the Decision of my Cause, *or seek to protract its Hearing by trifling Allegations.*

It is said I should have waited for Time to have cleared my Character; they who are of this Opinion, certainly never felt (and I hope never will feel) how keen the Imputation of Guilt is to the innocent Mind. If, by the Assistance of Friends, I had found Expedients to stifle those Passions that were kindled by the ill Treatment, as a faithful Wife, I had received; no Considerations would ever have led me, as a Mother, to repress my utmost Exertions to do away the Stigma I was slandered with: I entertained no Hope, that even the slightest Remains of Conjugal Rights, I had lately enjoyed, could ever be restored; nevertheless, I felt a Parent's Anxiety for three Daughters and a Son, whose Happiness hereafter in Life, might be materially

rially injured, from the strong Appearance of Guilt, the accepting a Settlement of Separation, without previous Justice done to my Character, would have drawn upon me: Such Implication of Guilt, besides justly depriving me of all parental Authority, would have alienated my Children's Affections from me; I might, in all their Looks and Actions, have figured to myself Reproaches; I might have regarded their little innocent Inattentions as premeditated contemptuous Negligencies: But now I have the Satisfaction (and great it is) to reflect, that whatever Distresses my Children, may experience, in Consequence of my Separation from their Father, it cannot be laid to my Charge; they cannot, with Justice, upbraid me with Misfortunes originating from that Source: I have proved myself innocent of the foul Aspersions my Character has been branded with; and have now in Right, a Mother's Claim to my Children's Duty and Affection.



Ann Inglefield.

In the COURT of PECULIARS,

BEFORE THE RIGHT WORSHIPFUL

PETER CALVERT, L. L. D.

J U L Y 11, 1786.

DOCTOR HARRIS opened the Cause, with stating the different Pleadings from the Commencement of the Suit, and that the Cause stood for Sentence, and then stated the Purport of the Libels, &c. as follows :

A Libel was given in by Mrs. Inglefield, which pleads, that in December 1773, at Greenwich, they were married,—that they cohabited together till December 1784, and from that Time he withdrew himself without any Cause, and that he now refuses to cohabit with her, and to restore the Conjugal Rights; and the Prayer is, that the Marriage may be pronounced for her, and that he may take her home and use her kindly.

The Marriage, Sir, as I have stated to you, has been confessed by her Husband, and

Captain Inglefield has given in an Allegation to the following Purport: That he gave her proper Allowance while he was abroad, and stating, that she was of a very depraved Disposition,—that she had taken many Liberties and Familiarities with one John Webb, a black Servant of his, about nineteen Years of Age,—that she took every Me-

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thod she could to be alone with him,—that she sent away the Servants and Children in Order that she might be alone with him,—that she used to kiss him, and tell him the Bed Chamber Door should be left open for him at Night, in the Absence of her Husband,—that she did so several Times in the Year 1784, at Singlewell, and at other Places.

The 3d Article of the Allegation pleads, that in November 1784, she set herself upon the Foot of her Bed, pulling him to her, and that they then committed Adultery together.

The 4th Article is, that upon another Day, near the same Time, she said she would leave the Door open, and bid him come to her at Night, that he neglected, and she was very angry.

The 5th Article pleads, in November, 1784, Mrs. Inglefield, being on board the Scipio, the Ship the Captain commanded, a Guard Ship, which was at Chatham, and the Captain being at that Time on Shore, she called John Webb, for that was the Black's Name, into the after Cabin, which was used for the Captain and his Lady, that she then shut the Door and they committed Adultery together.

The 6th Article is, that he quitted her in December, 1784, and prays Sentence of Separation.

Sir, upon these Allegations the Captain has examined Four Witnesses; I do not think it necessary for me to state the Whole, but only the Substance of what Two of them have said:—One was John Webb, who is described to be a black Servant, about 19 Years of Age, who says, that he came to the Captain about May, 1783,—that from his first going to live with him his Mistress took particular Notice of him, such as frequently smiling upon him, and taking hold of his Hand, and squeezing



squeezing it gently,—that about a Month after she had been brought to Bed, which was about Three Months after he came, or Four, the Time does not exactly appear, he happened to be alone One Day with her in the Parlour, and she then, in the House, that she then put her Hands round his Neck and kissed him, that he withdrew away, and she began laughing,—that the next Day in the Afternoon, the Time is not exactly described; but I believe you will find it about August, the next Day after she had made this Attempt upon him in the Forenoon, as he was alone with her and dressing her Hair, she interrupted him by very indecent Practices,—that he withdrew from her,—that she laughed at him and told him to finish her Hair,—then Deponent said, that he would finish her Hair if she would promise to let him alone, and then he proceeded afterwards without Interruption.—The next Day, in the Forenoon, her Chamber Bell was rung, he went up into the Bed Chamber, and found her alone sitting upon the Foot of her Bed, that he took Care to stand at the Door to wait her Orders,—that she called him to her, and as he came near her she held out her Hand to take hold of him, he attempted to go from her, but, as he turned away, she took hold of the Skirt of his Coat, she pulled him upon her Lap, and proceeded to Indecencies, and said, dont be afraid, your Master will know nothing of it; to this the Deponent made no reply, but broke from her as soon as he was able, and immediately left the Room.—The next Day, as the Deponent was dressing her Hair, and alone with her, she again began to proceed to Indecencies, when Deponent withdrew from her and prevented her, and she, laughing, took Occasion to say, she would leave her Bed Room Door open at night, and that the Deponent must come; and Deponent

told her he would not, and did not.—The next Day she appeared very angry, and several Times took Occasion to speak very sharply to him.—The Captain at the same Time was not at home; he then says, that from that Time, till the Separation, she used, from Time to Time, generally in the Captain's Absence, to repeat the same Practices, such as taking him round the Neck, and kissing him, &c. &c.—and that she twice kissed him in Presence of one of her Daughters, a Child about Four Years old; then he says, that about a fortnight after his said Master and Mistress went on board his Majesty's Ship Scipio, his Master being absent, that she called him into the after Cabin, which Room was used as a Bed Chamber, but the Bed was lashed together and put up in a Corner, that she told him to empty a Bason of Water, that when he had so done, and had brought the Bason back, she first shut the Cabin Door, and then took him round the Waist with both her Arms, and kissed him, and began other Attempts, but he prevented her,—that, after some Struggle, at length he got away, and left the Room; he says, as he went out he met Charles M'Carty, the Steward, who asked him what he had been about, he said nothing in particular,—he says, that Two or Three Days after this, being questioned by his Master, he related the Substance of what he has now deposed; he says, that he and his Mistress never had carnal Knowledge of each other, because he absolutely declined every Invitation and Temptation given to him for that Purpose.—Upon the Examination upon the Behalf of Mrs. Inglefield, he says, he conceives it to be a very wicked Thing to take a false Oath, and he believes there is a God who will punish those who are guilty of Perjury in the next World;—that he is about nineteen, that he

was

was born upon the Coast of Guinea, and left it very young, he has been about Three Years in England, that he was baptized at Mary-le-bone Church about Thirteen Months ago, that he has gone by the Name of Jack.—There is a Meaning in that.—He says, he is maintained by the Captain, that he is his Servant, and by his Order he attended to be examined and give his Evidence:—that is in Answer to the 3d Interrogatory.

He answers to the 10th Interrogatory, that he knows of no Servant being sent out of the Way—that she always took the Opportunity of his being alone with her, except twice, when she kissed him before One of her Daughters.

To the 12th Interrogatory he says, that her Bed was situated in the after Cabin, and always lashed together, and set up together in a Corner of the Cabin till it was wanted again; that it was the Work of a Quarter of an Hour to unlash it.

To the 13th he says, the Plate was kept in a Closet within a Bed-Chamber at her House at Singlewell, and he had been often sent there by his Master, and to deliver Messages to his Mistress; that he never went there except at the Time she rang the Chamber Bell, as mentioned in his Deposition, and that he never went into this Room after they were risen in the Morning; he never went into the Bed-Chamber till they had risen, except sent there by his Master, except at the Time she rung her Bell.

To the 14th he says, he never heard of any Servant at Singlewell or elsewhere, that had ever seen, observed, or been in any manner privy to, any criminal Intercourse between him and his Mistress.

To the 15th he says, that he cannot set forth at what Night, Day or Month, his Mistress told him

that she would leave her Chamber-Door open for him, but remembers it was about a Month after his Mistress was brought to bed of her last Child, about three Months after he came; that his Master was at that Time from Home.

I shall trouble you no further with this Man's Evidence. The other Evidence, Charles M'Carty, described to be the Steward of the Ship, at the End of his Deposition there is a Mark, he says he has known the Captain three Years; that Mrs. Inglefield has been on board twice since he saw them, and staid several Weeks the last Time; he saw them about six Months ago. The Date of his Examination was May, 1785.

To the 18th Interrogatory he says, that a fortnight or three Weeks after she had been on board, the Captain questioned him if he had seen any familiarities between her and the Black? he said he had not. The Captain ordered him to make a sharp Lookout. Deponent says he did as he desired, but he did not observe any thing in Particular, till one Forenoon about a Week afterwards; that while he was busy in the outer Cabin, he heard Mrs. Inglefield who was in the inner after Cabin, call Webb; that she bid him empty a Bason of Water, which he did, and returned to the after Cabin. He says immediately after the Deponent heard the Door fastened upon the Inside; he says that presently afterwards he heard a struggle which continued some Time; that having remained in such Cabin about a Quarter of an Hour, Webb came out. He then says that the Deponent was at that Time induced to believe, and had it not since been repeatedly and solemnly contradicted by John Webb, he should have continued to believe, that Mrs. Inglefield and he, during the Time they so remained in the Cabin together, had had Carnal Knowledge

Knowledge of each others Bodies. He says the Cabin was used as their Bed-Chamber, that they had a Bed in it, which he believes was at that Time lashed in a Corner. This Man is interrogated on the Part of Mrs. Inglefield. To the 2d Interrogatory he says, he was Captain's Steward and thereby supports himself, that he attended by the Captain's Desire, and that he is a Mariner on board.

To the 5th Interrogatory he says, the Captain has no Right to punish him, but for Disobedience. He says that the Bed was lashed as soon as the Captain and his Wife were up in the Morning; that he never knew it otherwise when she was on board, and that it takes twenty Minutes to get it ready.

An Allegation is given in by Mrs. Inglefield, that Allegation recites the first Article of Captain Inglefield's Allegation, of his being of a kind indulgent Temper, and contradicts it, and pleads him to be a very morose Man; to have no Affection for her, and to have a Design to get rid of her by affecting false Suspicions, and alledging her having Intercourse with Webb and others, from Enquiries of the Servants, without any Ground whatsoever; of his rendering her miserable and wretched by his Behaviour to her.

Sir, the second Article recites the second Article of Captain Inglefield's Allegation, in which he attacks her Character, and charges her with familiarities with Webb, and sending the Servants and Children to bed for that Purpose. She contradicts this, and her Allegation pleads her general good Character and Education; that she was a virtuous Woman, and denies that she had any improper Conduct with Webb, and as such she never admitted Webb unless he came upon

Business into the Room; that she never sent her Servants out of the Way in order to be alone with him; that no such Thing was ever suspected amongst the Servants.

In the 3d Article of her Allegation, she recites the 5th Article of his Allegation, pleading the Transaction on board the Ship in November, and contradicts it, denying her committing any indecency at all on board the Ship, and then denies she was on board the Ship till the 28th of November, 1784; that from the 1st of November she always till the 15th, was at Singlewell, and that from the 15th to the 26th she was at Greenwich with her Mother; that on the 26th of November she returned to Singlewell, and from the 28th to the 30th she was on board, and that he, the Captain was on board with her.

The next Article pleads the Custom of lashing the Bed every Morning, and that it cannot be unlashed under a considerable Time. The 4th Article is to the Credit of John Webb, that he was dependent upon his Master and entirely at his Command, and had been severely beaten by him, particularly for having pawned a Great Coat and spent the Money, and was much in awe of him.

The 5th Article pleads, that Captain Inglefield was determined to desert her, and upon the 20th of December, 1784, he parted from her in good Terms; in Appearance, to conceal his Design; and that she went to Singlewell and then to Greenwich, where he promised to meet her and keep the Christmas—that instead of meeting her as he promised, he sent her a Letter which she received upon the 25th of December; in that Letter accusing her and announcing to her his Determination to desert her. She alledges that the Accusations are false,
and

and particularly certain Passages—one in particular, that in the Night she rung her Bell, and when Betty went, you said you wanted Jack—He related a Variety of lewd Practices—that he bore the Jokes of the Family; she denies it—she then pleads it, that no such Circumstances ever were known.—The Allegation then goes on and recites another Passage in the Letter—Webb declares he was always so much afraid that he never was criminal; that is Part of the Letter—she does not deny it—he says it is true so far as it asserts that he never was criminal with her upon this Allegation.—No less than nineteen Witnesses are examined, Sir, you will find nine or ten Servants, Persons who have been in her Service, or Persons who are in her Service, and living in her Service at the same Time with John Webb—you will find all of these Persons uniformly proving her to be a good Wife in exprefs Words, a good Mother, good Mistrefs, and virtuous Woman.—You will find these, or some of them, proved that the Black always treated her with Respect; I can venture to say, that they all prove that they entertained no Suspensions, and that there was no Fact, such as is mentioned in the Letter of joking and laughing with the Black, and not any nodding and bidding him not be familiar with his Mistrefs.—Elizabeth Wells is one of those Witnesses that had been a Servant with her—she says that her Master was a very blustering Temper, very jealous of his Wife—that he made frequent Enquiries about her Conduct, whenever he had been absent.—There is another Witness, James Harris, who had been a Coachman to Mr. Inglefield at the same Time with Webb—he says that the Captain used to make those Enquiries constantly of him, when he used to go and fetch him, the Captain, from London, who had been with his

his Wife? and when Gentlemen had been there, whether they were left alone with her, and how long they staid? and used to express himself so very jealous of his Wife, for which he believes he had no Grounds. — These Deponents are all interrogated upon the Interrogatory No. 9 — you will find them all say, the Black stood much in awe of his Master, particularly for pawning a Great Coat, in order to pay the Fees that became due upon making him a Christian.

I must now revert to the Evidence of Elizabeth Wells.* She says she remembers about Michaelmas, 1784, the very windy Night, after she and all the Family had been in bed, during the Absence of the Captain, her Mistress rung her Bell, apprehending there were Thieves in the House, or that somebody had broken in — she says she went to her, that she never mentioned the Name of Jack, or said she wanted him — she says that she has advanced this as the Circumstance alluded to, that is the ringing of the Bell in the Letter No. 1, because her Master asked her the Reason of the Ringing of the Bell.

Sir, there are eight or nine other Persons examined, People of Condition.

William Parker, Esq; Captain of the Dictator, and several others, who all speak of her as a Person they visited, and being a virtuous Woman, an affectionate Wife, and very much attached to her Husband — amongst the rest Mrs. Smith is examined, Mrs. Smith is her Mother — she proves Mrs. Inglefield was at Greenwich from the 15th of November to the 28th, 1784.

There is another Witness, Mr. Samuel Mills, an Apothecary, is examined — he is only examined to her Health: — He says, about Christmas last, 1784, he attended her upon Account of her ill Health;

* See Elizabeth Wells's Deposition in the Appendix.

Health; that she was very ill, and her Illness arose from a disordered Mind, upon Account of the Desertion of the Captain.—Sir, there are two more Witnesses, whose Examination I must particularly trouble you with, who are examined upon this Allegation, one is Captain William Parker, the other is John Webb.—Captain Parker, who is described to be the Captain of the Dictator, of about forty-two Years of Age, says, that he knew Captain Inglefield, and that he had the Command of the Scipio, and that he himself had the Command of another Guard Ship, and upon that Account a sort of Intimacy took Place:—He says, that the Deponent resides at a Place called Brompton—that Captain Inglefield resides at Singlewell—that they used to visit—that he remembers staying there three or four Days at a Time—that he has great Reason to believe, and that he esteemed Mrs. Inglefield as a most virtuous Woman, and much attached to her Husband—that he never suspected her, nor did he ever hear she was suspected.—He says, to the 3d Interrogatory, he was present when John Webb was interrogated by James Jones, the Curate of Ifield, at Rochester—he says, there he was strictly admonished by the Respondent, and by Mr. Jones, previous to his Deposition before Mr. Pilcher, at whose House they were at that Time, the Justice of Peace at Rochester; the Captain does not give the Date here, but I will give the Date, it was the 28th of December, 1784.—He says, he cannot say there were any unfair Means used at this Examination—he says, after he had heard the Story of Webb, he became much prejudiced against Mrs. Inglefield—he adds, that after the Deposition was reduced into Writing, and every Sentence was read over to him, to each of which he acknowledged the truth, that when the Oath was administered he shook

shook every Limb, and it was some time before, in Fact, he was prevailed upon to take it; but, upon being told that what he had deposed he had confessed to be true, what Objection could he have to swear to it, upon this he did kiss the Book; but the Respondent sincerely believes, if the Black had been exhorted to have spoken favourably of Mrs. Inglefield, he might have been prevailed upon to have taken an Oath either way:—He says, that Mr. Jones, the Clergyman that attended, took Pains to explain the Nature of an Oath to him, and that he would be punished in this World, and in the next, and he was often asked if he understood it, and if he understood what he was explaining, and he said he did.

Sir, to the 4th Interrogatory he says, that Webb, in the Presence of Mr. Jones, Mr. Pilcher, and the Respondent, did describe a variety of bad Practices, but, notwithstanding this, he hesitated a great deal before he took the Oath, and trembled at every Nerve when he did.

Sir, Jane Parker is examined, the Wife of Captain Parker:—She says, that after she heard this Report, she was determined to enquire the Opinion of the Neighbours, and her Acquaintance at Greenwich—she heard that none of her Neighbours believed the Story—she therefore continued to visit Mrs. Inglefield, and so continued ever since.

Now, Sir, I am come to the second Examination of John Webb, who was examined in July, 1785, when he tells this Story:—That he was some Time ago taken out of a Flag of Truce Ship, by Captain Affleck, from a Spanish Ship—that he had him some Time in his Service—in May, 1783, he told him he had no farther Service for him, but would recommend him to a good Master, and send him to a Friend—he says, Captain Affleck sent him
him

him to Captain Inglefield, at Singlewell—he says, he staid there, and remained till the 27th of May, 1785—that during the Time he staid with him the Captain, in general, treated him well—that he lived with him from May, 1783, till the 27th of May, 1785,—he says, that the Captain, in general, treated him well, but sometimes he was savage, and beat him much, and that he always stood in Fear of him—He says that Mrs. Inglefield always behaved to him as a Mistress should, and kept him at a proper Distance—he denies any Familiarity of him to her, or her to him, and says, she constantly behaved with Decency and Modesty—that, as far as he could perceive, she was a virtuous Wife—that he never saw her guilty of the least Indecency, or Familiarity with him or any other Person—that she never admitted him to her Bed Chamber improperly, or unless he come with some Business respecting some Household Affairs, or a Message—that she never sent her Children out of the Way that she might be left alone with him, or her Servants—that when the Captain was absent, he says, he laid the Cloth, and brought such Things as were necessary to have, by her Order he quitted the Room, and did not wait or go in till she rung—that the Reason he swore his Mistress ever took improper Liberties with him, or he with her, was because Captain Inglefield challenged him in the most severe Manner, and told him he had had an improper Correspondence with his Wife, and said, he had seen him kiss her, which the Deponant repeatedly denied; but the Captain persisted that he had seen him, damned him, and stamped with his Foot at him in a Passion, which so alarmed him that he was frightened into a false Confession—that the Captain took him before a Magistrate, at Rochester, where, he declares, at that Time the

Oath

Oath was given, he was so frightened that he did not know the Nature of it—that the Captain has since told the Deponent, Webb, that he must be sure to keep in the same Story—this was the only reason for continuing in it—that he has since been very uneasy in his Mind, and has been strictly admonished in the Nature of a false Oath since he quitted the Service of Captain Inglefield,—that he was therefore resolved to speak the Truth, by contradicting his former Evidence, in that most solemn Manner before God—he says, he was determined to do this be the Consequences what they may.

He says, that Ann Inglefield was never guilty, on board of the Scipio, of the least Indecency with him—he remembers she went from Singlewell about the Apple Season of 1785, to Sheerness, in Order to go on board the Ship—that she returned to Singlewell, and from thence he returned to the Ship, and then returned again to Singlewell just before Christmas, and that she then went to Greenwich, to her Mother—he then tells the Story of lashing the Bed—that it was Part of his Duty on board to lash the Bed, and put it in a Corner, and it was generally lashed till they went to Bed, and it was the Deponent's Duty to assist:—Deponent says, he received the Ship's Pay instead of Wages, and when he had received it, the Captain took it, and said he would provide him with Cloaths, so that the Deponent totally depended upon him—that the Captain beat him once severely for pawning a Great Coat of his, which he thought was cruel, as the Coat was his own, and he had paid for it.—He says, that he was examined to the 11th Interrogatory before the Reverend Mr. Martin, who was the Ship's Chaplain, respecting his having had criminal Intercourse with his Mistress, and he told

told him the same Story he had told the Captain; for he knew, if he had contradicted it, he should have been punished.

He says to the 12th Interrogatory, that he was examined by Major Wood and by Lieutenant Brett and Lieutenant Rogers, at the Time when the Captain was in London—he says that no Threats were used, but as the Ministrant had been before ordered by Captain Inglefield to keep in the same Story, he was fearful of contradicting it—he says that at the Time of his Examination he was on board the Ship.—This was an Examination in January; he said he was examined on board the Ship *Scipio*, where he was kept, and not suffered to go on shore from the Ship, for above a Month, till he was brought from the Ship to London, and was afterwards carried to Doctor's-Commons to be examined.

He says to the 15th Interrogatory, the Respondent received from the Captain after he came out of the Cabin, when he first confessed being criminal with his Mistress, a Guinea, and the Captain said, “ Jack you are a good Boy,” the Captain however afterwards took the Guinea again from him, and gave him half a Crown, and desired him not to say he had had any Money—he says he was brought to London three Weeks before he was examined upon the Part of the Captain, and lived with him.

Dr. Compton. He says he was carried to the Ship from Doctor's-Commons.

Dr. Harris. He staid in London three Weeks before he was examined, and lived with the Captain, and was not suffered to go out but upon trifling Errands, till after his Examination—that he went in the Service of Mr. Pilcher at Rochester, after he quitted Captain Inglefield.

He

He says to the 19th Interrogatory, he quitted Mr. Pilcher upon Friday in the Forenoon, the 15th of July—he says he got to Greenwich that Night after quitting Mr. Pilcher's Service, and went to the House of Mr. Mills.—He says that none of the Servants, neither Betty Wells, or Nanny the Cook, or James Harris, had desired him to deny what he had said of his Mistress, or have threatened him in any Manner whatever—that he has not been promised any thing by any Person, and that when this Business is over, he must go to Westminster to an Acquaintance, to do as well as he can, in order to get a Place.

Sir, to the 21st Interrogatory he says, he has not seen the Producent since last Christmas, which was before his former Examination. The Respondent says to the 22d Interrogatory, of his own Account, and without Solicitation, he denied to Mr. Mills what he had said formerly, respecting his Mistress being criminal with him.

Now Sir, I shall mention the Allegation given by Captain Inglefield.—His Allegation sets forth the first Article of Mrs. Inglefield's last pleading of the Captain's bad Temper, and that he lost all Affection, and pretended to suspect her of certain Facts; and he pleads that he was an affectionate Husband till he discovered her Intercourse.—In the 2d Article of the Allegation, they had discovered in the Absence of Mr. Brett, the Advancements she made to Webb—that Captain Inglefield had made Martin Chaplain of the Scipio, to examine him, and admonish him to speak the Truth, and was alone with him—that Webb still persisted in the Story of her Endeavours to corrupt him.—In the 5th Article he says, that Webb was again examined by Rogers and Brett, and they enjoined him to speak the Truth. but Webb still

still persisted in his Story — the Allegation states, Webb was again examined in Rochester, by the Reverend Mr. Thomas Jones, Edward Pilcher and William Parker, that they pressed him to speak Truth, and that he still persisted in his Story.

The 6th Article recites the 1st Article of the Examination; and I think in contradiction to it she pleads her bad Health—the 7th recites the 1st Article of Mrs. Inglefield's Examination, which pleads Webb to be under the controul of the Captain—he contradicts this, and says he was dismissed in May, 1785, and that he went to live with Mr. Pilcher, a Gentleman, at Rochester.

In the 8th Article of the Allegation he says, no Faith should be given to Samuel Mills or Elizabeth Wells, two Witnesses examined upon the Part of Mrs. Inglefield — that they had confederated together to defeat Justice — that Elizabeth Wells used to meet Webb at Pilcher's, and endeavoured to prevail upon him to deny what he had before said—that she threatened him, that he was terrified at her; and it was at her Instigation, and that to save his life, he put himself into her hands — that she made him quit Pilcher's, to go in a Chaise to Greenwich to Mills — that Mills entertained him, and wickedly prevailed upon him to go before a Magistrate and contradict his former Deposition—it concludes with saying, that Mr. Mills and Elizabeth Wells, had been actuated by Mills and plotted against Captain Inglefield, and would forswear himself; and in short stubborn any other Person to take a false Oath.

Sir, amongst the Witnesses examined in support of that Allegation, is the Reverend David Martin, the Chaplain of the Scipio, he says upon the 27th of December, 1784, he was sent for by the Captain—that he went on board in order to obey the

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Captain's

Captain's Commands—that he saw him very much agitated, and then he had his Officers about him—he says the Captain desired him, the Deponent, to examine Webb—that Deponent consented and did examine Webb—that he first exhorted him to speak the Truth—that he related a Variety of Ways to which his Mistress had endeavoured to seduce him to commit Adultery with her.—This Gentleman is examined upon Interrogatories—to the 4th Interrogatory he answers, that supposing the Confession of Webb false, he thinks it very likely he would persist in it, while retained on board the Ship.—He says to the 6th Interrogatory that Captain Inglefield told him, he had entertained Suspicions, and had observed Webb through a Window, sitting upon his Wife's Knee—that he had received an anonymous Letter; but the Captain gave no Reason why he had not made the Matter known before—that after the Respondent heard Webb's Confession, the Respondent told him he thought there was great Inconsistency in it, and that in his Opinion, he had said too little or too much.

Mr. Edward Pilcher is examined, at whose House this Examination was of Webb—and he says, the Sin of Perjury was explained to Webb, by Mr. Jones and by Captain Parker himself—that Webb appeared to be much frightened, and he said every thing to encourage him, and impress in his Mind the Necessity of speaking the Truth—that he then seemed more composed—that the Deponent thought it his Duty to swear him to speak the Truth.

There is a John Russel examined, a Justice of the Peace at Greenwich.—He says, he knows Captain Inglefield, and Mr. Mills, that Mr. Mills did apply to him some Time ago upon an Affair
between

between Captain Inglefield and his Wife; conceiving the Matter not cognizeable by him, he declined swearing the Boy, or doing any thing of the Business. He is examined upon Interrogatories, upon which he says, he knows Mr. Mills for many Years—that he is an honest, good Man, and he has not the least Apprehension that he would confederate, or join to defeat the Cause of Justice, or persuade others to do so.

Another Witness is Mr. Samuel Gillam.—He says, Samuel Mills applied to him to swear a Negro to an Affidavit—he says, he observed the negro Boy to be young, and that he was a Marksman—he, the Justice, took Pains to explain the Nature of an Oath to him—he says he read the Affidavit, and questioned him very particularly about the Truth of it—he says he received very satisfactory Answers, and then he administered the usual Oath, which the Black took—he is examined to the 10th Interrogatory, which is in regard to Mr. Mills's Character, and, he says, he knows not a Man of a better Character.

The Rev. Mr. Jones is examined as a Witness upon this Plea, he was one of the Examiners of John Webb, at Rochester.—He says to this Interrogatory, that when the Respondent pressed upon him the Importance of an Oath, he seemed much awed.

The last Allegation, is the Allegation upon the Part of Mrs. Inglefield, she recites a great Part of Captain Inglefield's Allegation, pleading, Mills and Elizabeth Wells confederating together, in order to defeat Justice, and she alledges, by her Pleading, that soon after Webb quitted Mr. Inglefield's Service, and found himself free, he voluntarily declared every Thing he had before sworn against his Mistress to be false, and that he had

been induced to say and swear what he did, thro' Fear and Intimidation, and that he so declared before he had seen or spoken to Mrs. Wells, or Mr. Mills — she says, that Webb never was under the Controul either of Elizabeth Wells, or of Mr. Mills, and that they never had threatened or persuaded him to speak contrary to Truth, and was incapable of so doing.

Several Witnesses are examined upon this Allegation, amongst the rest Samuel Mills, who describes himself to be a Surgeon and Apothecary, of Greenwich. — He says he knew her from a Child, and that he was sent for, in December, 1784, in his Profession, to attend her—she said her Complaint arose from her Mind, and that her Husband had deserted and accused her with Familiarity, with one John Webb, a black Servant—that Deponent was struck—that he believed her Innocent, and interested himself in her Favour—he says that John Webb came to him 15th of July, 1785, at Greenwich, and voluntarily declared what he had formerly sworn against his Mistress was false, and that he had set his Hand and accused her through Fear of Captain Inglefield, who always put Questions to him, and if he denied it, the Captain repeated the Question with a severe Look and an Oath — that that so intimidated him, that he answered yes, to every Question—that after he had quitted the Captain's Service, he was no longer in dread of him, and that he could not be happy till he had told the Truth—that Webb has never been under Fear of the Deponent—that is Mills, or in the Custody of this Deponent — that Deponent has no Resentment against Captain Inglefield—nor would from Malice do any Thing to his Prejudice—nor would he suborn any Witness, or Witnesses.

Elizabeth

Elizabeth Wells was examined upon this Allegation:—She says, she lived fifteen Months Fellow Servant with Webb, with Captain Inglefield, at Singlewell—that since this Cause, the Deponent has lived with her Mother, at Cobham, in Kent, upon the Deponent's Mother—she says, in July, 1785, Webb called upon her, at Cobham, and expressed great Uneasiness of Mind till he had contradicted what he had said against his Mistress—that Webb told her that Captain Inglefield, by Threats, had made him swear what he had sworn—that what he had sworn was false—that he had quitted his Service, and was no longer under Fear, and desired her to acquaint Mrs. Inglefield he was ready to unsay and unswear what he had said before, which was false:—The Deponent declares, upon her Oath, this was a free Confession of Webb, and not extorted, and that he was under no influence from her.

Another Witness examined, is Susannah Pleasance:—She describes herself as the Housekeeper to Mr. Pilcher—she says, that one Day, six Months since (she was examined in February, 1786, that must have been about June)—She was reading a Bible, and Webb appeared very uneasy in his Mind, and asked the Deponent what the Punishment due to a false Witness was; he told her he was very uneasy in his Mind—that he could not rest, and must tell the Deponent the Case, and then said, he had sworn falsely against his Mistress, and declared to her in solemn Words, "*As I am before God and you, she is innocent.*"—He said, the Punishments on board the Ships are so cruel, I was frightened to say what I have said—he said, that the Captain had given him a Guinea, and desired him to keep in the same Story—he said, he hoped God and his Mistress would forgive him, for No-

thing but Fear should have induced him to be so wicked.

James Wells, the Brother of Elizabeth Wells, is examined:—He says, he had no knowledge of Captain Inglefield and his Wife; but he has been in Company with John Webb three Times, at his Mother's House, at Cobham—he recollects he saw Webb, in July, when Webb came there to see his Sister, who had lived Fellow Servant with him—he says, he heard Webb say he was very uneasy in his Mind—that Captain Inglefield had made him sell himself to the Devil, by making him swear falsely against his Mistress—that he could get no Rest Night nor Day; and he desired Elizabeth, the Deponent's Sister, to write to his Mistress:—he says, that Webb called again the next Day, and in the Deponent's Presence and hearing, asked her if she had wrote a Letter—she said, No; and he pressed her very much to do it;—and he believes, in Consequence of Webb's pressing her so to do, that she went herself to Greenwich, to Mrs. Inglefield, to inform her what the Black said.

Then one Edward Latter is examined as a Witness, who was the Coachman to Mr. Pilcher:—He says, he was a Fellow Servant to Webb seven Weeks, at Mr. Pilcher's, and he frequently heard Webb say, when he slept with him, that he was an unhappy Man—that he should never be easy—he had accused his Mistress, who was innocent—that he never should have said so, if the Captain had not frightened him, and extorted a Confession:—The Deponent says, this Confession of Webb's was voluntary—that it could not be otherwise—it could not be extorted—for that Deponent had no knowledge of the Parties:—These are the Words of the Man:—He says, that Webb told him, the Captain once, when the Ship was in the Chatham River,
bid

bid him kiss his Mistress while he was dressing her Hair, and he would bore a Hole and look through the Pannel of the Wainscot—the Witness said, Webb told him that the Captain did bore a Hole—that he was so frightened that he did not offer to kiss her, or take any Liberties with her—he says, that Webb told him the Way the Captain took, was to say to him, first looking sternly, Jack, you have been kissing your Mistress—he would answer, I have not—the Captain would say, You Rascal, how dare you deny it? I saw you, and I will give you Time to Consider of it—the Captain would leave him, and return to him again, and say, Have you considered it?—Webb would answer still, I have not—he would damn him, and say, How dare you deny it? which so intimidated him, he would say yes to every thing:—He says, Webb also told him, that when he answered yes, the Captain gave him a Guinea, and said, he was a good Boy; but the next Day he took it from him, and gave him Half a Crown.

John Cochran is another Witness examined:—He speaks to the Character of Mr. Mills—he says he is a worthy honest Man—he says, he knows the Captain by Sight—and that he remembers, in July, seeing Mr. Webb at the House of Mr. Mills—he believes Webb was sent for by the Producent, and by Mr. Mills—that he heard Webb declare he was unhappy upon Account of what he had said against his Mistress, which was totally false—that he heard Webb say, his Master had frightened him, and that she was innocent:—This Witness too speaks to Webb's Declaration—as to the Method the Captain took—that he used to look sternly, and say, Jack, you have been taking Liberties with my Wife, and stamp, and stare—and he speaks to Webb's Declaration, of his ordering him

to kiss her when he was dressing her hair—that the Lad was frightened, and dared not do it : — As to the Rest, he speaks pretty much in the same Mode as Latter has sworn upon the same Occasion : — He says, Webb declared he had not the least Reason to speak in Prejudice of his Mistress; but he was afraid of being flogged if he contradicted any Thing his Master said.

This Witness was examined to Interrogatory 3d, and he says, that he was told by Webb, that he was examined, in the Month of January, 1785, by Mr. Pilcher, respecting his having taken improper Familiarities with his Mistress — that he never was so frightened in his Life — that he was afraid to contradict his Master; for, at the Time, he was not only his Servant, but entered on board the Ship as a Seaman; and he was therefore afraid of being flogged, and sent back to the West Indies.

There is a Witness examined, whose Name is Ann Power : — She says, she had been a Servant with Mrs Inglefield — in Michalmas, 1784, she went Nursery Maid to Captain Inglefield and his Wife, and she staid to May, 1785 — she says, that Webb was her Fellow Servant—it was this Maid's Misfortune to go in May to live with Mr. Pilcher also, and there she became Fellow Servant again with Webb : — This Witness also speaks to the same : — She says, at Pilcher's, Webb declared to her, he was very unhappy, and did not say why, till Deponent asked why; to which he replied, the Captain was a very bad Man, and had made him swear falsely; and said, he should not be happy till he declared the Truth — that the Deponent had seen Elizabeth Wells at Pilcher's, whilst at Cobham, but never heard her persuade Webb, or frighten Webb; but she has heard Webb, of his own Accord, with great Uneasiness declare this to
Elizabeth

Elizabeth Wells — and she says, Elizabeth Wells is a Girl of good Character.

Another Witness is William Thompson :—He says, he was on board the Ship Scipio whilst Webb lived at Mr. Pilcher's,—and that Webb came on board to see him—and Webb told him he was happy to see him, for he, Webb, was very uneasy—and that Mr. Pilcher's Housekeeper had been reading the Scripture to him—and, upon this, he told this Man, this Thompson, that he could not rest till he had contradicted what he had falsely said of it; declaring, of his own Accord, that his Mistress was innocent.

The last Witness I shall mention, is one William Candy, who describes himself to be a Waterman, belonging to the Custom House :—He says, he went to see Webb, at Mr. Pilcher's, some Time in July—that they went together to a Public House—that Deponent, having heard a Story and Report, in Conversation, asked him about the Truth of it—that Webb made a free Confession to him, upon this, and said, every Thing that he had sworn before was wholly false and untrue—that he had been induced, by Intimidation of his Master, the Captain, to charge and accuse her—that he was under great Anxiety of Mind on Account thereof, and was very desirous to retract what he had said, and make every Reparation in his Power; and he speaks to this final Declaration of Webb—that Webb said, Captain Inglefield had offered him Money before he defamed her—that he afterwards offered him Ten Guineas to quit the Kingdom*.

* It is proper to observe, that the six Witnesses, who have deposed that the Black made the Confession, and having sworn falsely against me, were all perfect Strangers to Mr. Mills; two only, known to me; and what the Black had recited to each, was declared before Mr. Mills or myself had the least Intimation of this his conscientious Recantation.

Sir,

Sir, these are the material Parts of the Evidence I thought proper to open to you upon the Part of Mrs. Inglefield; when you have heard Counsel, my Prayer will be that you will order him to take her home and live with her again.

Dr. Wynne (The King's Advocate General.)

Sir, please to favour me in this Cause, on the Behalf of Captain Nicholson Inglefield:—The Doctor has opened the Case so very minutely, that I shall think it necessary to take up much less Time than I otherwise should; but the Evidence that will militate against the Conclusion he has drawn, is what I shall open; and when I hear the Answers to that Evidence, it will be my Business to reply to it.

The Substance of the Allegation which has been given in by Captain Inglefield, in Reply to the Libel, which is the ordinary Libel in the Case of Restitution, has been stated to you:—There were four Witnesses examined upon the Allegation, the first of whom produces the Question before you, and the second of those the Doctor has opened to you particularly, the Evidence of John Webb and Charles M'Carthy; I shall not say any thing further to you with Respect to those Witnesses; there are two more examined to that Allegation, the Doctor did not touch upon, which I shall mention to you:—The first is Mr. Albert Innes, a Merchant of London, of good Credit, and an Agent of Captain Inglefield's; and you will find his speaking to an Account of his having been intimately acquainted with Captain Inglefield—and that he has been at various Times with him, at his House, from the Time of his Marriage down to July last, that is 1784:—He says, that by that Means he had an Opportunity of knowing the Captain's Character—and that in all his Observations, he never knew a Man a more tender, affectionate, and indulgent

dulgent Husband, or a Man that took more Happiness in his Family.

He proves, that when his Duty called him abroad, he left unlimited Orders to him, the Deponent, to furnish his Wife with whatever Money she should apply for—and in Consequence of those Orders he did, between the Month of October, 1780, and the 25th of December, 1782, furnish her with Money to the Amount of £765, over and above which, she received £240 as the Interest of the Dividends of Money which Captain Inglefield had in the Stocks—and he says, in Answer to the 19th Interrogatory, he thinks there is not a Man of more amiable and placid Disposition—that the general Tenure of his Behaviour to his Wife, as far as Deponent was a Witness to his Behaviour, was such.

The 4th Witness which he examined, was Thomas Slade Featus; he was a Midshipman, a Youth of about fourteen Years of Age*, and lived with Captain Inglefield

Sir, you will find the Fact he speaks of, in his Deposition:—That during the Time he lived with his Uncle, there lived there likewise a black Servant, one John Webb; and that one Forenoon, during the Time he lived at Singlewell, which is a house of Captain Inglefield's, near Chatham, that was about 1783, and she continued in Possession of it during the Whole of that Year, and the next, which was 1784—this young Man says, in the Forenoon, one Day, during the Time that he so lived with his Aunt, she had been giving Directions to the Cook about Dinner, and told Webb, if he would come up Stairs, she would give him the Plate to clean; accordingly she went up Stairs into her Bed Chamber, and the Deponent followed

* Fourteen when examined; but, little more than Twelve, at the Time he deposes the Facts to have passed.

her—

her — he says, that soon after, John Webb came into the Room — that Mrs. Inglefield then went to the Closet, and said, she had forgot the Key, that she had left it below Stairs, desired the Deponent to go and fetch it, she told him she believed she left it in the back Parlour — accordingly, he says, he went down — that he found the Key, after a Search of about five or ten Minutes — that he returned up Stairs and gave it to his Aunt, who was in the Bed Chamber — that John Webb was standing near her at the Time.

Sir, in Reply to the Facts that are stated in this Allegation, upon which four Witnesses were examined, Mrs. Inglefield gave in an Allegation; and annexed to that is a Letter, the Substance of that Letter I shall desire to open particularly; I believe it will appear material.

The Account she gives of it in her Allegation is, that her Husband, Captain Inglefield, left her in the Month of December, at Chatham, in 1784; that he appeared to leave her in a very good Humour, and told her, she should go to Greenwich, to her Mother's, and he would come to her upon the Christmas Eve, in Order to pass the Christmas there with her: — she says, he did not come, but a Letter was sent, written and subscribed by Captain Inglefield, to her, which she received upon the 25th of December; and it is to the following Effect:

“ My Letter would have informed you of your
 “ Accusers,” (this shews a very agitated Mind, certainly it appears to be so, I suppose the Meaning of that must be, it would have given her an Answer to the Question, Who were her Accusers?) he then says, “ if you have not received it yet,
 “ know that the Day you left Chatham, a Piece
 “ of Paper was put into my Hand, hinting to me,
 “ what I indeed but too well knew before; on my
 “ going

“ going on Board the Scipio, I immediately taxed
 “ the Boy, who immediately cried, and declared,
 “ his Mistrefs would kill him if he was to tell, and
 “ then related every Circumstance from your first
 “ kissing him by the Fire-side, when he was sweep-
 “ ing the Hearth, which was not more than a
 “ Month after his return with me from Portf-
 “ mouth, that he always endeavoured to shun you,
 “ and when he did not come you threatened to
 “ tell me, and which I remember you did.
 “ Among other of your Practices with him, the
 “ Night that I was at Mr. Dalton’s, when I re-
 “ turned so late, you ordered him to follow you
 “ to your Bedchamber, where you set upon the
 “ Foot of the Bed, by every lewd Practice endea-
 “ voured to seduce him to your Purpose; that you
 “ at another Time, got him to promise that he
 “ would come to you in Bed, and that you said
 “ you would leave the Door open, but that he was
 “ afraid, and did not, and the next Morning was
 “ very angry; that in the Night you rung the
 “ Bell, and when Betty went, you told her, it was
 “ Jack you wanted; a Variety of lewd and inde-
 “ cent Practices he related, and I find he bore the
 “ Jokes of the Servants about it; I confess to you
 “ having sufficient Reason to suspect something
 “ improper; I have often been in the fore Court,
 “ when you thought me from Home; it was from
 “ thence through one of the Light Holes of the
 “ Window that I saw you kiss him, and Kitty in
 “ the Room, but having often watched you, and
 “ never seen no more, though it destroyed my
 “ Peace of Mind, I thought it was nothing more
 “ than an improper piece of Imprudence, arising
 “ from Curiosity, and, instead of accusing, I still
 “ advised you; and willing to know whether the
 “ Child had seen it, I told her, she never saw any
 “ Body kiss Mamma but me, when she instantly
 “ replied,

“ replied, yes, she had seen Jack, the Black; this
 “ indeed alarmed me, because the Child I knew
 “ might say the same in the Kitchen, and the
 “ world would not judge so charitably as myself;
 “ you know I incessantly cautioned you, and when
 “ we embarked on Board the *Scipio*, I advised
 “ you to be particularly cautious, yet you was so
 “ much bedevil’d, that you could not help calling
 “ him into the Cabin, where he remained with
 “ you near half an Hour, this when I came on
 “ Board was revealed to me, with Concern, by
 “ M’Carthy; and the Boy in his Relation de-
 “ clares, that you then repeated those Practices;
 “ he declares that he was always so much afraid,
 “ that he never was criminal with you, but that
 “ you practised every Sort of Seduction to induce
 “ him, and always told him, that if he mentioned
 “ it, the World or his Master would never be-
 “ lieve him, and you would kill him, and that I
 “ should flog him to death; this is sufficient to
 “ make you understand the Nature of your Ac-
 “ cusation.”

(Signed) J. N. Inglefield.

This is introduced by the Lady herself, as a
 Part of her Defence, annexed to her Allegation,
 she pleads she received it on the 25th of Decem-
 ber, and you will find the Plea returned in this
 Cause in the 4th Sessions of the Hillary Term fol-
 lowing.

Sir, it is pleaded in this Allegation, that every
 Thing that has been said in his Plea is a Fal-
 sity, for that this Boy is a Slave, who can be made to
 say whatever Captain Inglefield thinks fit, and that
 he, Captain Inglefield, instead of being a kind
 indulgent Husband, as he has stated himself to be,
 is a Man of a cruel, savage Disposition, that had
 taken the Resolution of deserting his Wife, and had

had made Use of this Means in order to obtain that Purpose.

Sir, they have examined a great Number of Witnesses respecting this Cause, and we have put in Interrogatories respecting those Witnesses, and they are, as the Doctor has said, nine of the Persons who resided in Captain Inglefield's Family; and we have put in Interrogatories to every one respecting the Behaviour of Captain Inglefield to his Wife. You will find the Manner in which those Witnesses depose to those Interrogatories.

The second of them, whose Name is William Scrimes, who was a Gardener, deposes in this Manner:—He says, to the 3d Interrogatory, he always looked upon the Miniftrant as a good tempered Man—he always thought him a good Husband; so in general all the Witnesses speak in that Manner. You will find an Exception to two, that was pointed out by the Doctor; there is a Mrs. Elizabeth Wells, whom the Doctor has mentioned—she certainly is a very principal Person in this Business; the Account Wells gives of the Behaviour of her Master to her Mistress, is to this Effect:—She is asked, If she never thought the Miniftrant was a good natured Man; but she says, she never saw him treat the Producent ill—but she cannot pretend to answer, he treated her with the greatest Kindness, Love, and Affection. This is the Whole of the Evidence upon this Part of the Business; at last, it will appear to you, that is all the Account she can give of the ill Treatment, the savage, cruel Treatment of her Master to her Mistress.

Sir, I have been desired to point out to you the Evidence of Mrs. Catherine Smith, the Mother of the Party:—Mrs. Catherine Smith says, as far as she could judge of the Temper and Disposition of the Miniftrant, he was pleasant and good natured,
and

and at others the contrary; she cannot pretend to say, she ever saw him treat Producent ill.

Sir, upon the Allegation given in, in Answer to Mrs. Inglefield's Allegation, Captain Inglefield has examined several Gentlemen, who, at his Desire, took a great Deal of Pains in Order to discover the Truth of the Business: Of the Accounts, three or four, which they give, I will beg leave to mention shortly: — The first of them is the Reverend Mr. James Jones. — Mr. Jones is desired by Captain Inglefield to be present at a Sort of Examination of his black Servant, at Rochester — He says, accordingly he went to the House of a Mr. Pilcher, a Gentleman there and a Magistrate, for the Purpose; and, Captain Inglefield having first informed the Deponent of the Reasons he had to suspect his Wife's Fidelity, he says, after Dinner, it happened upon the 28th of December, John Webb was called into the Room — that there were then present, Captain Inglefield, Mr. Pilcher, and the Deponent — that upon his coming into the Room, Captain Inglefield did, in as mild Terms as possible, request him to relate what he had before confessed, for there had been a Sort of Examination before, on board the Scipio, he requested him to relate what he had before confessed, respecting his Mistress's Behaviour — He says, Webb thereupon began relating some Parts, but that Captain Inglefield desired Captain Parker might be waited for, he accordingly was, and Captain Parker came in soon after; Webb was again called into the Room, but Captain Inglefield withdrew before the Examination passed — he says, Webb then went into a particular Narrative of his Mistress's Conduct to him for the last twelve or fourteen Months; from which it appeared she had perpetually used Endeavours to tempt him to commit Adultery with her — he says, that he, the Witness, during his Narrative, frequently

frequently took Occasion to caution him as to the solemn Nature of an Oath, and the heinous Sin of false Swearing, as did likewise Mr. Pilcher and Captain Parker — he says, their Caution seemed to have great Effect upon him — that he took great Pains to make Webb sensible, that being a free Man, he had no Reason to be afraid of his Master, Captain Inglefield, or any other Person — that no Harm could possibly happen to him in speaking the Truth honestly and sincerely — he says, during his Examination, which lasted between two and three Hours, he in the most solemn and sincere Manner persisted in every Word of his Narrative, and averred the same to be strictly true.

He says, to the 7th Interrogatory, he apprehended it was at the Instance of the Producent he was at the before-mentioned Examination, held at the House of Mr. Pilcher — that every Encouragement had been given to Webb to speak the Truth, and have a just Sense of it; and great Pains were taken to convince him how necessary it was to speak the Truth, upon such a Case, before God and Man, without Respect to Persons — he says, he thinks, if he is to give his Opinion, any Fear he might have entertained of his Master, must have been obliterated into Fear of taking a false Oath.

Then Mr. Martin, another Person present at this Examination, says, he was Chaplain on board the Scipio — that he came to know Captain Inglefield by his being on board the Scipio, and residing at Singlewell, about six or seven Miles from Chatham — that about three or four Months in 1784, the Captain and his Wife chiefly lived on board the Scipio, during which the Deponent had every Opportunity of observing the Behaviour of Captain Inglefield to his Wife — he says, he behaved to her in every Respect as a good Husband, and never by his Conduct, as far as fell under this Deponent's

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Notice,

Notice, gave the most distant Reason to suppose he had formed any Design of getting rid of her.

He says, that about the 27th of December, he received a Note from Captain Inglefield, the Witness being then at Sheerness, desiring very much to see him; and he had informed the Deponent of the Suspicions he entertained of his Wife, and begged he, as a Clergyman, would examine John Webb as to the Truth of what he had confessed to the Captain alone — Webb was called in, and left alone with Deponent — he says, he then, in the most solemn and affecting Manner he could, exhorted him to speak the Truth, and questioned him respecting his Mistress's Conduct, and he related to him, that his Mistress had, by a variety of lewd Practices, endeavoured to prevail upon him to commit Adultery with her — that about a Fortnight after, the Witness, having in the mean Time reduced the Purport of what passed between him and Webb into Writing, took an Opportunity of questioning him again, as to the Truth of what he had before told this Deponent, exhorting him to speak the Truth, read it over to him, and exhorted him to speak the Truth, and that Webb again and again averred what he had told him before, and what he had said of his Mistress to him was perfectly true.

Sir, another Witness we have examined is Thomas Wood, Esq; a Major of Marines: — He says, he was an Officer of Marines on board the Scipio — That he by those Means became acquainted with Captain Inglefield, who commanded the Ship, and Ann Inglefield, his Wife — that for some Months, towards the latter End of the Year 1784, he lived mostly on board — and Deponent, not sleeping a Night out of the Ship all that Time, had every Opportunity of remarking Captain Inglefield's Conduct to his Wife — he says, he never
knew

knew a Man behave with more Attention or Affection to a Wife than Captain Inglefield did — and that he never, by his Conduct, as far as fell under the Deponent's Observation, gave the most distant Reason to suppose he had formed any Design of getting rid of her—he says, about the latter End of January, Mr. Brett, the Second Lieutenant of the *Scipio*, shewed the Deponent a Letter he had received from Captain Inglefield, who was then, as Deponent understood, in London, the Purport of which was to examine John Webb, Captain Inglefield's black Servant, in Respect to Familiarities which he said had passed between him and his Mistress; and desiring Mr. Brett would take to his Assistance some of the Officers of the Ship—he says, in Consequence of this Letter, Deponent, together with Lieutenant Rogers of the Marines, assisted Mr. Brett in the Examination of Webb—that they, previous to the Examination, and frequently during the Course of it, strictly enjoined him to speak Nothing but the Truth; and he, having made a particular Relation of very lewd Practices by which Mrs. Inglefield endeavoured to prevail upon him to committ Adultery with her, upon being questioned as to several Parts of his Narration, as well as being again asked by Lieutenant Brett and Rogers, persisted in the Truth of them.—He says, to the 7th Interrogatory, that Webb did not appear at this Time in any Fear, nor did it appear that he was prepared as to any Interrogation—and it is the Respondent's firm Belief he spoke the Truth, but not the whole Truth, at the Time of such his Examination; and he says, he grounds his Opinion upon the artless Manner in which he related the Circumstances, and answered the Questions that were put to him.

Sir, another Witness we have examined is Edward Pilcher, Esq; of Rochester, and he says

he knew Captain Inglefield and his Wife, before Captain Inglefield's being appointed to the Command of the Scipio, at Chatham, about three Years ago—that soon after he became more particularly acquainted by their coming to live at a Place called Singlewell, seven Miles from Chatham, near which Deponent had a Country House, and they very often visited him—he says he had thereby an Opportunity of observing the Behaviour of Captain Inglefield to his Wife, and he never knew a Man treat his Wife with more tenderness and Respect, and he never gave him the most distant Reason to suppose he had formed a Design of getting rid of her—he says about the 28th of December, 1784, Captain Inglefield dined with Deponent at Rochester, but some Time before Dinner he called on Deponent, and told him, he wished him to examine John Webb, the black Servant, in Relation to what passed between him and Mrs. Inglefield—that the Rev. Mr. Jones had engaged to attend, and that he had engaged Captain Parker, of the Dictator, but had not opened the Business to him, and invited Webb to come to the House—he says in the Afternoon, Captain Parker and the others being come, Webb was called into the Room, Captain Inglefield having previously left the House—he says Webb underwent an Examination of three or four Hours before these Gentlemen, in which Mr. Jones spent a considerable Time in the Explanation of the Nature of an Oath, and of the heinous Sin of Perjury, as also did Captain Parker—he says they said every Thing to encourage him, and particularly impressed upon his Mind the Necessity of speaking the Truth, without respecting of Persons, and no one could hurt him for so doing—he says he then seemed more composed, and in the most serious, solemn Manner, he heard him repeat his Allegations against
Mrs.

Mrs. Inglefield, as to her lewd Behaviour to him, and declared the same again and again, the Particulars he had related were true—that they were reduced into Writing by Mr. Jones, and read over to him repeatedly, and at the same Time he acknowledged they were strictly true—he says then, he, the Deponent, thought fit to swear him to it, which was done—he says that the said John Webb, some Time on or about the Month of May last, came to live in Deponent's Service, and continued in his Service two Months, and during this Time Deponent took occasion to question him, as to the Truth of the Circumstances he had sworn, as beforementioned, and he constantly persisted in the Truth.

Sir, you will find this Gentleman says, he never looked upon Webb otherwise than as a free Man, and upon Webb's leaving the Service of Captain Inglefield, in the way he did, the Deponent took him into his Service as a free Man, not with the most distant Idea of his being a Slave—he says during the Time Webb lived in Deponent's Service, Elizabeth Wells came frequently after him—he says that he, the Deponent, spoke to Webb about it, and Webb told Mr. Pilcher that he could not help it, that he did not want her, but she was always coming after him and plaguing him—he says that Webb after continuing in Deponent's Service about two Months, left him abruptly, one Afternoon, when Deponent was from Home, without giving him the least Notice that he intended to do it, but he never knew what was become of him till four Days had passed, and he received a Letter by the Post, signed Samuel Gillam Mills, informing him that Webb had made a different Affidavit from that which he made before the Deponent, respecting Mrs. Inglefield, and this Gentleman says, that from all the Circumstances,

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Deponent

Deponent is convinced that the said Webb had been seduced from his Service, by the said Elizabeth Wells, formerly a Servant there, in Captain Inglefield's Service, with Webb, and that she was a Person of light Character; and he says, lastly, that during the Time Webb lived in Deponent's Service, he was several Times ill-treated by People in the Streets, and one Time in particular, as they were going over Rochester Bridge, he was insulted by some Fishermen, who threw Things at him.—that Deponent got out of his Carriage and chastised one of them upon the Spot.

He says, in Answer to the 3d Interrogatory, that Webb was, as he has no Doubt, discharged from the Scipio by Means of Captain Inglefield, whom the Respondent apprehends had it in his Power, to prevent his obtaining his Discharge if he thought proper.

He says, in Answer to the 5th Interrogatory, that Webb entered into Respondent's Service upon being discharged by the Producent, some Time in May last, that Captain Inglefield had discharged him from Motives of delicacy*; Respondent thinking him a good Servant, and from no other Motive, hired him into his Service.

The next Witness is William Brett, who was the Lieutenant of the Scipio, he confirms this Witness, he says, that by being Lieutenant of the Scipio, he came to know Captain Inglefield and his Wife, sometime in the Year 1783—that about the beginning of October, 1784, the Captain and his Wife came to live on Board the Scipio, and continued so to do till the Christmas following, and Deponent had thereby frequent Opportunities

* If Captain Inglefield had discharged the Boy the Instant he saw (as he reports) Familiarities pass between us, he would have then been intitled to this ill-placed and undue Compliment paid to his Delicacy.

of observing the Behaviour of Captain Inglefield to his Wife—he says, he behaved as well as he can suppose a Man ought to behave to his Wife—he says, he never by his Conduct, gave the Deponent the least Reason to suppose he had any Design of getting rid of her, till after he, himself, had told him he was convinced she was unfaithful to his Bed, about the 21st of December—he says, Captain Inglefield, in great apparent* agitation of Mind, told the Deponent he had made an extraordinary Discovery, which was, that Mrs. Inglefield had been intimate with this black Servant, and expressed a Desire this Deponent would examine him—that he consented to do so—that Webb was called into the Room, and that he, in the Presence of Captain Inglefield, asked him what passed between him and his Mistress, and asked him to repeat the same without Fear; as did Captain Inglefield also.—He went then into a particular Account of undue Practices; she had used to endeavour to prevail upon him to commit Adultery with her—he says, that he declared over and over again, what he said respecting his Mistress's Behaviour was strictly true—he says, about the latter End of January, he received a Letter from Captain Inglefield, desiring he would again examine Webb, and take some of the Officers to his Assistance—he says that he applied to Major Wood, and Lieutenant Rogers, they agreed to assist him—that Webb was called into the Captain's Cabin, and strictly examined by them—that previous to his Examination, they took all possible Pains to represent how highly necessary it was to speak the

* *Apparent*, is, undoubtedly, a very proper, well-applied Epithet; it certainly could not be a real Agitation, for the pretended Discovery is avowed by Captain Inglefield (in his Letters) to have been many Months before this Conversation with his Lieutenant.

Truth, urging if he had said any Thing before that, which was not true of his Mistress, it was his Duty to retract it—he then in a most serious, and solemn Manner, persisted in the Truth of the Declarations he had made, that his Mistress had behaved in a very lewd Manner to him, and endeavoured to persuade him to commit Adultery with her.—He says, in Answer to the 3d Interrogatory, some Time in May, 1785, Webb was discharged from the *Scipio*, which was, Deponent doubts not, by the procurement of the Producent, who might have prevented the same if he thought proper, and that he was no more in the Power of the Captain than every Seaman he has at his Command,

We have examined but one Witness more respecting this Transaction, and that is a Mr. Rogers, Lieutenant of Marines.—He says he knew Captain Inglefield and his Lady, by his coming on Board the *Scipio*, he had frequent Opportunities of observing his Behaviour to his Wife, and that Captain Inglefield, as far as he observed, paid that Respect and Attention to her as were due to a Wife—that about the 30th of January, 1785, Mr. Brett shewed him a Letter from Captain Inglefield, and in Consequence of that, Deponent went to assist at the Examination of Webb—that he accordingly did examine him upon the Evening of that Day, in the Captain's Cabin—he says there was present, Webb, Mr. Brett, Major Wood, and the Deponent, and every Argument was used by Mr. Brett, and the Deponent, to prevail upon Webb to speak the Truth, and particularly the Sin of bearing false Witness; and he was told if he had in any Former Examination gone further than the Truth, in Respect to his Mistress, it was his Duty to retract it—that it was not in the Power of the Captain to hurt him, and during an Examination
of

of two Hours, he was frequently urged to speak the Truth, without Favor to, or Fear of either Party, and that it was a Sin to bear false Witness, that was repeated by him, and he said he would not say a Word that was not strictly true, and he repeated that his Mistress had, in a Variety of Instances, behaved very lewd, and frequently endeavoured to prevail upon him to commit Adultery with her, and that he in a strict, solemn Manner, persisted in the Truth of what he had so said.

Sir, this is the general Substance of the Evidence, which I thought necessary to state to you, after the very long Opening by Dr. Harris; you remember the Examinations that he spoke of by the other Witnesses, particularly of Captain Inglefield having bored a Hole through the Cabin Door, and that he ordered him to kiss his Mistress;—that he opened from two Witnesses, but you don't find it either in the Depositions upon the Captain's Allegation, or that of Mrs. Inglefield.

Sir, the whole of this long Evidence I believe must be laid before you, when it is, I shall say that Captain Inglefield is justified in declining from living with his Wife, that he has behaved as properly as any Person could do to her; and in the Suit which she has brought she has not been able to support her Case by Evidence, or to prove that she has behaved with equal Propriety to him.

The Depositions of the Witnesses were then read, by Drs. Scott and Compton, to the Allegations and Interrogatories, the Purport of which were opened by Dr. Harris and Dr. Wynne, the King's Advocate General; after which the Court adjourned to the Monday following.

SPEECH

SPEECH of Doctor HARRIS*.

S I R,

I am of Counsel, in this Cause, on the Behalf of Mrs. Inglefield, who is so unfortunate as to be under the Necessity of bringing a Suit against her Husband on Account of Desertion.

She is obliged, first, to set forth her Marriage; then the Fact of Desertion; then she prays, that the Court will decree a Monition against him, and order him to take her home, and to treat her kindly.

He, in Answer to that, has acknowledged the Marriage, and the Desertion; but has set up a Circumstance, which, he says, will not only be a sufficient Ground for refusing to take her home again; but will occasion a Divorce in the present Case: and he says, not only that she was very familiar with his black Servant, but that she had committed Adultery with him.

She, in Answer to that, says, that Captain Inglefield had a Design to part from her; that he ceased to like her so well as he had done before; that he had therefore formed a Scheme, in Order to get rid

* Mr. Blanchard not coming into Court till Doctor Harris had finished pleading, I have been under the Necessity of copying his Speech (to make the Proceedings compleat) from a Pamphlet, entitled, "The Arguments of Counsel in the Ecclesiastical Court, in the Cause of Inglefield," said to be printed from an authentic Copy of Mr. Gurney's Short Hand Notes.—Whether the Arguments in this Publication are faithfully deliverd, I shall not here discuss; but that the Publication itself was calculated to mislead the Public in their Opinion, I most firmly believe; since the Whole of the first Day's Proceedings in Court, so essential to my Justification, and so necessary to be known, towards fully comprehending the following Arguments are totally omitted.

and

of her; and that the Whole of the Business of the Charge laid against her, is entirely false and groundless.

This is the general Substance of the Allegations which are before you.—The Character of the Lady is indisputable; there is not one Witness, either for or against her in the Cause, who does not say, they looked upon her as a virtuous Woman, an affectionate Wife, and a good Mother, till they heard this Story. — The Servants say, that the Black always treated her with Respect; that could not have been the Case, if there had been any of the Familiarities between them, which are laid in the Charge. A strong Proof of her Affection for her Husband is, that she was very ill when she heard of the Captain's Danger, and much lamented his long Absence.

— There is Evidence, that Captain Inglefield was a very jealous Husband — extremely upon the Watch — he was continually enquiring of the Servants, whether any Man had been there; and how she employed her Time in his Absence.

None of these Witnesses say, that he made the least Enquiry about the Black, notwithstanding he was in the Habit of Enquiry; he certainly would not have been backward to Enquiry, particularly with Respect to him, if he had at the same Time any Thing to alledge against him, if the Fact had been, that he had seen what he says he had seen; if he had heard what he says he had heard, the Scene of Enquiry would certainly have laid at Land, and not at Sea, at his House at Singlewell, where he might have had a Variety of Opportunities of enquiring much more than he could have had on board a ship.

If he did see, and if he did hear, what he says in that letter, that he saw and heard, he is a Man of a
very

very extraordinary Temper and Conduct indeed; if he meant to detect her, certainly his own House was the Place. — No, he orders this Lady on board the Ship (without a Female Servant) and this Black as her Attendant, among those, who to a Man must necessarily be under his Power, his Steward, of whom he was the Maker, who depends upon him for his Support; and the Black Boy, on whom certainly he could better operate (perhaps very well at Land) but he could better manage him at Sea than in any other Place.

I would now state the Circumstance of the Letter, which the Gentleman on the other Side threatens me with; but I am not at all afraid of that Letter. This Letter has no Direction; and it has no Date; but the Contents of it will afford a Direction: He begins with saying, “My Letter would have informed you of your Accuser.”— Now, there is no Information of the Kind, there is no Information throughout the whole Cause that I know of, from whom the anonymous Letter came. — “A Piece of Paper was put into my “Hands, intimating what I knew;”—One would have expected to have seen that Piece of Paper exhibited in this Cause: it is not, nor is there any Thing about it: as it was an anonymous Letter, he could not say from whom it came; but it would have been some Corroboration. — “I went on board and I taxed the Boy; he cried, and said his Mistress would kill him.”— Now, throughout the whole Evidence in this Cause, there is not a Tittle of this Circumstance, that the Boy on his Part said, that his Mistress would kill him, or threatened him in any Way whatever; then, this is at least an Assertion in the Letter unproved.—“In the Night you “rang the Bell; — Betty went; — you said, you “wanted Jack.” — Now, Elizabeth, or Betty, is
examined

examined in the Cause—Elizabeth Wells says*, she remembers that Circumstance extremely well; and it must have been the Circumstance Captain Inglefield alludes to, because he told her of it himself; her Mistress was frightened, as she thought Thieves were coming into the House, and she rang the Bell—she went to her—but her Mistress said not a Word about the black Boy. Then this Assertion is plainly disproved. He says, “I found the Boy bore the Jokes of the Servants in the Family.”—That is another Assertion in this Letter, which is absolutely disproved; the Boy himself declares, in his first Examination, that he knows Nothing of any Jokes; or that any Body knew any Thing of the Business:—It was then intirely between him and his Master;—and all the Servants, who must have been the Jokers in the Business, deny that they know a Syllable of the Matter. Then the Facts which he has stated in his Letter are proved to be false.—“You said, if he told, the World would not believe, and that I would not believe; and that I would flog him to Death.”—There is no Proof at all of that, from any of the Declarations made by the Boy.

The Conclusions I mean to draw from this Letter, are these:—If a Gentleman, in a Letter, does advance Things as Facts, some of which are proved to be Falsities, we must believe, with great Diffidence, other Circumstances, which he would advance as Facts: that is the Inference I would make from it; God knows whether it is a right or a wrong one, but I think it is a fair one.—He goes on, in this Letter, to say, “that, through a Window I saw him kiss you, and Kitty in the Room; and, though it destroyed my Peace of Mind, I

* See the Deposition of Elizabeth Wells in the Appendix.
thought

thought it Nothing more than an improper Piece of Imprudence, arising from Curiosity; and instead of accusing you, I still advised you; and, willing to know whether the Child had seen it, I told her, "she never saw any Body kiss Mama but me," when she instantly replied, "Yes, she had seen Jack, the Black."—All this, after what I have said, we must give him Credit for; and, I say, it will be a Credit with a very great Drawback.—He says, "I thought this Nothing more (seeing her kiss the black Boy) I thought it Nothing more than an improper Imprudence, arising from Curiosity."—This seems to confute itself; it is almost impossible that a Man should have such a Thought. "I have constantly cautioned you against him, and when we embarked on board the Scipio, I advised you to be particularly cautious, yet you were so much bedevil'd, that you could not help calling him into the Cabin; when I came on board, the Boy then declared your Practices, but, he said, he was so much afraid, that he never was criminal."—This contradicts the Allegation.

It was very extraordinary that there was no Enquiry:—If these are Facts, one would think they are such that Human Nature could not conceal; that they were Facts, which he must tell somebody of:—This Gentleman, who is so amiable, must have had many Friends; I dare say he has.—I do not know whether the Gentlemen will suffer me to go so far out of the Cause: but I am told,* he is as elegant, and as accomplished a Man, as any in the Kingdom; that makes the Story a great Deal more improbable than it would otherwise have

* If Mr. Gurney will inspect his Notes, he will find a Word or two omitted here, which, if inserted, would amply have accounted for Captain Inglefield's estranged Affections, and the Cause of all my present Sorrows.

been;

been ; I will not put myself to the Pain of contrasting a poor black Slave with him ; it is on the Face of it improbable to the last Degree ; Circumstance after Circumstance make it still more so as we go on.

This poor Lady is carried on board a Ship ; the Enquiry is not made on Land ; the Captain is forced to have Recourse to his Steward, Mr. M'Carthy, and to this Boy : — Now, I am not afraid of entering into their Examination directly, although, perhaps, in a Case less strong than this, I should make some Remarks upon the Circumstances, before I durst enter into a Discussion of their Evidence ; but, I think, from their Examination only, such a strong Evidence will arise, in Favour of the Lady, that their own Examinations will defeat themselves ; and if it was not, that I must necessarily go through my Duty, I need do no more than shortly to recapitulate what the Man and the Boy say, and make some few Observations upon it ; from whence it will appear, that it is a mere Fable, and that their Evidence could not possibly have any Weight, from the Captain's own stating of it ; for no Man can be divorced from his Wife, unless he is fairly made a Cuckold ; let the Witnesses say what they will, if it does not come up to that, it is a Blow without Force, and Something that does not hurt.

Now Mr. M'Carthy is charged and primed in order to be let off. The Captain had invited him often to his House, therefore he had an Opportunity of seeing them at Home and Abroad : he asks M'Carthy, if he had observed any Familiarities pass between his Lady and John Webb ? And upon M'Carthy telling him he had not, he desired him to keep a sharp look out ; and though he does so, yet it is a Fortnight before he observes any
 Thing

Thing at all; at last, there is a Basin of Water in the Cabin to be emptied; the Black is called; he goes into the Cabin; the Door is fastened on the Inside; a Struggling is heard;—Mr. M'Carthy stays at the Door a Quarter of an Hour, till the Black comes out. Now what does M'Carthy say upon this?—"Why" says he, "I should have believed that they had had the carnal Knowledge of each others Body, if the Boy had not so constantly and firmly denied it." Mr. M'Carthy is examined in May, and must have known that the Boy had taken a positive Oath, that Mrs. Inglefield had been guilty of Familiarities with him, yet this very M'Carthy does not believe it, he says, "I would have believed it, if the Boy had not so constantly and firmly denied it." So he acquaints his Captain with a Thing which he does not give Credit to, when he came on board the Ship, and drew on by that Means the Examination of the Black. Mr. M'Carthy was in Fear of the Captain; he was not in Fear of this Poor Woman; he was applied to, to be an Informer, and Persons who are so employed must bring something, yet he was afraid of diving into the Business. Good God! he, who was the faithful confidential Friend of the Captain, should have made an Attempt to hinder this; he was not afraid of having ten Dozen for opening Mrs. Inglefield's Door; he should not have trusted to his Ears, but to his Feelings, and that would have been Evidence a little stronger; though we know very well, People bolt and lock one another in without any Design whatever; that would not have amounted to that Proof which they want; but he did not even do that, and he was very glad to get Something which he might catch hold of, which Something, he says, he did not believe.

I will

I will go next to the Black's Evidence; his Story is the most unaccountable one that ever was heard; it is a Story framed by a Black, and nothing else. He says, " He went in the Year 1783, to live with this Lady, who was then with Child; she cast soft Eyes upon him as soon as she saw the Wool upon his Head; she squeezed his hard Hands; smiled at him; looked all Affection: in about two Months she was delivered of a Child, and in a Month after she made the most violent Assault upon him; she got him to her Bedside, threw her Arms about his Neck." That may be the Way of Blacks with Blacks, but is hardly ever the Case with Ladies in England, I believe. This is the Account he gives of her Ferocity: he always retreats; he is the Joseph of the Drama, and she the Potipher's Wife.

Now can you possibly believe this? Not satisfied with that, she was continually teizing him when he was dressing her Hair; (for that was his Business) he had an Apron on; she would not let that Apron alone; he was forced to enter into a Treaty with her, as one great Power does with another! " If you will let my Apron alone, Madam, I will dress your Hair, or else I will not." So there was a Treaty for fourteen Months together upon this Subject. This is extravagant to the last Degree: it appears to be fabricated; I don't say how; I think this is hardly possible; Stipulation after Stipulation; the Black attacked, and the Black resisting these Attacks. What does an experienced Sea Chaplain say to this? a Man of as much Knowledge of the World as of Divinity, I believe. Says he, " This is too little, Sir, or this is too much, for it is the most inconsistent Account I ever heard in my Life." This is the Man of God, that is called upon in order to examine the Boy,
 E who

who said so, and said he to him, " nothing is more probable; than that this Boy, if once worked up into this Story, should never deny it while he is rated on board the Ship, and while under your Power." Certainly it was improbable to the last Degree.

Sir, I am not afraid, as I said before, of these Depositions, they are Depositions that work a De-feasance of themselves; each of them corroborates the other in destroying what they are brought to prove. I am persuaded it is impossible the Court should believe them.

Now let us see what the Progress of this Business is from beginning to end.

You have Evidence, and, I think, strong Evidence, that the Captain began with shewing the Boy, that whatever might happen hereafter, he should not be very much displeased with him.— " Take Liberties" says he, " with your Mistress—I will bore a Hole, and will look through." There is no Man, in this Room, who, if he had an Intrigue with a Man's Wife, would be afraid of the Husband, if the Husband was to say so to him. " I will bore a Hole; you take Liberties with your Mistress while dressing her Hair, and I shall look through this Hole; and then every Thing will follow to be sure just as I am desirous it should."—This does not do; for as there never had been any Freedoms taken, the Boy was afraid, I suppose, of being knocked down immediately. That I take to be the Reason, why he did not take Liberties with his Mistress, —he dared tell his Master to his Face, I cannot do it—he had fairly promised him—he failed, and his Master was angry with him to a great Degree for not doing this. That Measure not succeeding, the Captain has recourse to M^rCarthy; he is ordered to watch; he does

does watch in the Manner I have mentioned, and that draws the Business on; why then you have over and over again, by so many Witnesses (that I will not repeat) the Mode and the Manner the Captain took with the Boy after M'Carthy had given him that Information. In what Manner does he behave? "You would not take these indecent Liberties, but you have kissed my Wife; you have laid with my Wife." Sir, "I have not." The Moment the Boy denied it, the Captain was in a Passion, that indicated that he did not want him to deny it;—there were Chains, and Dozens, and every Thing against the Boy, if he denied it, when the Captain said, "with these Eyes I saw it," Then the Boy trembled, and he dared not deny it. To say to a Captain of a Man of War, a Monarch and a Despot; "Sir, you lie," (for it would have been nothing less) he dare not say that; he said all he could say; "indeed it is not so," but then being over awed, considering who it was; his Situation on board the Ship; used to the Habit of a slave; in Fear of being sent back again to Africa: Why, a white Boy would have been intimidated under these Circumstances, but a Negro must certainly be in a worse Situation than any Body else. The Boy is desired to remain in the same Story, and he gives him a Guinea; but, seeing that he had done wrong in that, he takes it away, and gives him Half a Crown: Why did he so? Because he considered it thus: It would shew my Satisfaction — my — I dont know what — not my Forgiveness — but, it would shew, you have done a Service for me, and that I rewarded you for that Service. Then, is it to be wondered at, through the Train of Examinations, that this Boy is never in any Fear after that? I believe what the Gentlemen say:—that the Boy did go on glibly with the Story;—he had told it

over and over again; he had fabricated it once, which makes a Thing fixed in the Memory; he told it freely; the Captain continually telling him, "Stick to this Story;" and he did stick to it handsomely, till he came to be examined at Rochester, before Justice Pilcher. But Let us see through what Training this Boy passes:— Upon the 21st of December, he is examined by Mr. Brett, and the Captain is present during that Examination, who behaves wonderfully well, in Mr. Brett's Opinion; but, well only, considering the Circumstances: Mr. Brett qualifies it that Way: he appears vastly agitated, as if he had known Nothing of the Business before.

Again, upon the 27th of December, Mr. Martin is sent for; the Captain is found to be upon Deck, with all his Officers; the Boy is examined; the Captain appears agitated to a great Degree; Mr. Martin says, the Boy went on with his Story very well; and, I dare say, Mr. Martin gave him all the Advice that was proper.

Then comes on the great Examination, at Rochester, before Mr. Pilcher, Mr. Parker, and the Reverend Mr. Jones; that is the second examination, which happens, I believe, to be the next Day; upon the 25th of December, the fourth and fifth Examination; upon the 30th of January he was examined again before Mr. Brett, Mr. Rogers, and Mr. Wood; and then from that Time till the Time of his Examination, on the 17th of May, there is a Cessation; he is either taken Care of on board, or under the immediate Eye of his Master, the Captain: after that he was examined at Doctor's Commons; then they tell you, the Captain did not think it proper to keep him any longer in his Service.

You find four or five Witnesses speaking of the
Uneasiness

Uneasiness this poor Boy continually expressed of his being haunted by his evil Genius, till he discovered the whole Truth voluntarily. Nothing could constrain him to tell this Story to the Men Servants, with whom he lay in the same Bed; Nothing could constrain him to tell the Story to Mrs. Pleasance, or to another Maid Servant. I do not know what fascinating Power Mrs. Elizabeth Wells might have, but there is none proved against her; Nothing illegal against her; there is no Witchery proved against her, except what is common to other women; no improper Management; no improper Applications to him whatever. Justice Pilcher says, she is a light Girl; what he may know of her, and what may have passed between him and her, I can't tell; but there is no Evidence of that Kind from any other Witness: A Fellow Servant says, she is a Girl of a good Character; and another Witness says the same; but this Insinuation does not at all relate to her being addicted to Falsehood. What does she say? * This poor Boy went to her, teased, plagued, and harassed her till she would write or send to her Mistress. Her Brother says, the Boy came Day after Day; "Have you told my Mistress? Why don't you write to her?" The Girl, like a grateful Servant, went to her Mistress; she had, very likely, offered her her Service before; I don't know that that is in Proof, but if it was, I don't see that it would hurt her Evidence in the least; it would only shew her to be a good and grateful Girl.

The Story certainly comes out as soon as ever it can come out; for, in Reason's Eye, it is impossible that this Man, under the Shackles he was in, should dare, after he had made this Charge, and been intimidated, even before his Examination;

* See Elizabeth Wells's Deposition in the Appendix.

for, if I understand Mr. Thompson's Evidence right, he told him he was intimidated, even at the Time, the Captain's Lash was over him. Thompson is a Servant to a Mr. Hamilton, at whose House the Captain lodged. Thompson and the Captain's Servant met together, and the Boy told him, in Confidence as a Friend, the miserable Condition he was reduced to, either to betray his Mistress, or forfeit every Thing in this World; the Favour of his Master, and, in short, his Happiness, and his Liberty: If I am right in this, could a contradictory Evidence come out more fairly.

I would now mention what I shall call the great Examination, that is, the Examination at Rochester, upon the 28th of December:—The Boy is examined there in a grave, serious Manner, before two Friends, Staunch Friends—I am sorry to say, I think too Staunch—Mr. Pilcher and Mr. Jones, as well as Captain Parker. Now, What is the Consequence of that Examination? The Boy goes on extremely glibly and well, and even deceives Captain Parker—Captain Parker conceives the highest Displeasure against this poor Lady. But there is an Act to be done—the Book was to be kissed—if any other Ceremony had been to be performed, it is the same Thing—an Act strikes one's Mind stronger than a Word. When he was taking the solemn Oath before God, which had been only explained to him; when he comes to do the Act—to kiss the Book—the Reverend Gentleman says, he was terrified to the last Degree—he trembled at every Nerve—he shook at every Limb.

Now I am going to stand upon another Ground. I say, that the Boy is as good a Witness, and I think I can almost go farther, and say, a better, than if he had not been guilty of what the Gentlemen will call Perjury. Every one will admit, that an
Oath

Oath extorted from a Man is not binding, is no Obligation ;—the Moment he got at Liberty, he told the Story, as it was ; I believe he did before ; but however, telling it afterward is enough for me.

What should he be afraid of during his Examinations on board the Ship, when he was speaking for his Master ? though it was on board the ship, there was no Reason for him to be intimidated ; if he was afraid of any Thing, it was some Thing distant that the Person had told him, which he did not care a Farthing for : but his Master was before his Eyes, and he was afraid of him :—After his behaving in such a Manner, upon my Word, I am almost shocked at the Conduct of Justice Pilcher to give him the Oath, after he saw all those Symptoms ; I do not suppose any Judge in the Kingdom would have tendered an Oath to a Man, when he saw him in the Confusion in which this Boy is described to be—The Boy did swear ;—He saw Slavery, Chains, and Whips before his Eyes

This Boy is an interested Witness. If a Man, for Interest, takes a false Oath, and he afterwards says he is sorry, and repents of having sold himself to the Devil—the consequence, had the Black been in that Situation, would be this—He would be reduced to a *Caput Mortuum*—to Nothing—lean neither this Way, nor that Way ; but that is not the Case with this Black—he is a good Witness—he is to be credited as if he had originally said, “ my Master has bid me practise with my Mistress, and then he would be the first to accuse her ; ” he has said that now, in as strong Terms as if he had said it at the first ; and he has said it strong enough for the present Purpose. I hope it is not—sometimes I am led to believe that it is not—I don’t affirm either that it is, or is not ! but if not, it is a most happy Event for Captain Inglefield, that this

Business has been enquired into in the Manner that it has been, and I will tell you why:—Perhaps it will be said, Mr. Mills would not suffer this Lady to enter into a Compromise, or rather that he advised her against it: If a Compromise had been entered into, the Captain could never have wiped off this Imputation from his Lady.—But I consider him to be what the Witnesses say he is, a Man of Honour; and I am unwilling to believe what I was forced, in my Condition as Counsel, to say that the Circumstances led to; but there is one Way of shewing the World that I have made false Deductions, and a strong Way of shewing it. It is a happy Circumstance that Mr. Mills acted as he did, and that the Lady has brought forward this Business: because, I really believe, if any of the Captain's Friends are here now, they will be able to convince him, what he never would have been convinced of; if the Business had been settled out of Court, he would never have wiped it out of his Mind; and, now he has the Evidence of his own Servants, and other Persons upon Oath, he is, I dare say, now convinced, I am sure he has Reason to be convinced in the strongest Manner, that every Imputation upon her Honour is groundless; and, from that being the Case, I should not wonder if they and Mr. Mills spent a happy Evening together—I say, I should not be at all surprized to hear it: and therefore, I make no Prayer at present, as it is very likely the Court may not be under the necessity of making any Order at all.

SECOND DAY'S PROCEEDINGS.

Thursday 20th July, 1786.

INGLEFIELD against INGLEFIELD.

Doctor COMPTON.

S I R,

I AM of Counsel on the same Side with Doctor Harris. This Case is attended with such Circumstances, that every one who has seen the Evidence in it, must feel much Concern, that a poor ignorant Black should be induced to perjure himself, by whatever Means it happened, whether by Design, by Accident, or by the Operation of Fear, which is natural upon the Mind of one in his Station; it is not absolutely necessary that there should be Ground for that Fear, if it appears that he was actuated by fear, there will be no Difficulty in unraveling this Business.

I am glad, for Captain Inglefield's Sake, that it is proved in Evidence, that he is a good, tender, humane Husband; that in general he behaved perfectly well; but does that secure him against Impressions of Jealousy, certainly not; it is allowed by every Writer, that the stronger the Affection, the more liable is the Mind to the Impression of that dreadful Passion, which produces so often fatal Effects: If Captain Inglefield was, as I think it

now

now appears that he was, actuated by that unfortunate Passion he would accept of no Answer but that which tended to confirm it.—Trifles, light as Air, are, to the Jealous, Confirmation strong as Proofs of Holy Writ. — And too true it appears in this Case.—He used to question the Coachman, who used to meet him with the Chariot at Deptford, in his Way home, Who had been there?—What Gentlemen visited?—How long they staid?—and, Whether they were alone?—and a Variety of such Sort of Questions; but not a single Syllable about the Black, which is very extraordinary indeed. — The first Mention of any Idea of any Apprehension respecting the Black, you find is to Mr. M'Carthy, they are not at all precise in Point of Date, but it must have been somewhere in the Month of December, for Mrs. Inglefield was not on board all the Month of November, at least she could not be on board till the 27th or 28th; that is in Evidence from Mrs. Smith, her Mother, with whom she was the major Part of that Month; on the 21st is the Examination. — I am sorry to see such an extra-judicial Examination; it naturally leads to very bad Consequences, for the Black having once said it to his Master, he was pinned down. — The Witnesses tell you, that upon his having said it, Mr. Brett was called into the Cabin; then the Black having said it to his Master, to whom (as Doctor Harris observes) it was impossible to say otherwise, when he looked sternly at him, and said, I saw it—Dared this poor Man tell the Captain of a Man of War, his Commanding Officer, that he did not see it? for that must have been the Effect of a Negative on his Part—he must have said, you did not see it — Would that be suffered?—Can it be conceived that he should act so, under the Impression made upon him in this Manner?

ner? You find Mr. Martin, in his Answer to the Interrogatory, says, he thinks it likely that the Black would persevere while in Captain Inglefield's Service, and rated in the Book; and he observed, there was a very great Inconsistency in Webb's Evidence: If the Captain had not been under that unfortunate Prepossession, he must himself have seen the glaring Inconsistency; but there is a Circumstance I would observe, upon Mr. M'Carthy's saying, he was ordered to watch, and did watch, as he tells you: Webb tells you, upon his first Examination, that he met Mr. M'Carthy as he was coming out of the Cabin, who asked him what he had been doing, and the Deponent told him Nothing particular:—Now, if he had been so employed, taking the Probability, if he had been that Joseph, running away from his Mistress, at that Time—if he had been taking Liberties with her—then was the Time for Mr. M'Carthy, the Captain's confidential Friend, who was set (I won't say as a Spy) who was set as a Watch: Was it not natural for him to have questioned him, when the Boy said, Nothing in particular?—Was it not natural for him to have said, what was that Noise I heard? Placed on purpose, as he was, by Captain Inglefield, he must have pressed the Boy further; but not a Tittle comes out till the Captain sees him; then he looks fierce at him, and stamps, and swears; it is no Reflection upon the Captain, it was natural; he was prepossessed himself with the Truth of the Charge, and he enforces it by Means which were very natural—Agitated himself, he was not upon his Guard very strictly; but he had the Power, he knew the Discipline for the Boy; for the Boy has sworn that he knows very well the Discipline is very severe.—He was not a free Agent while within the Ship. What does he do

as

as soon as he gets away? — he lies with one Man, and lies with another; he unburthens his Conscience to Latter and Thompson; and then, to close the Whole, he persisted the Gentlemen will say, in the same Story; because, in their Interrogatory, which they read, it is stated, that Mr. Pilcher took an Opportunity of asking him, several Times, whether what he had related was true, and he still persisted in it: — But, it is to be remembered, he had taken a solemn Oath before Mr. Pilcher. — I think he was the most improper Person in the World. — Mr. Pilcher's questioning him, looks as if he began to doubt whether he had said the Truth — for, Why should Mr. Pilcher, when the Man had been sworn, and the Nature of the Oath so fully explained in Mr. Pilcher's Presence, question him in this Manner, in Conversation, whether what he had said was true or not? That is inconsistent and absurd to the last Degree; it looks as if Mr. Pilcher himself began to be staggered; but Mr. Pilcher was his Superior, he was under the same Awe of him. But what can the Gentlemen say of Mrs. Pleasance, she was reading the Bible, it came out casually, there were no Plans laid, he had not seen Elizabeth Wells at that Time, nor Mr. Mills, and that is material at the Time that Mrs. Pleasance was reading the Bible — it was a sudden Impulse; and we know the Nature of Mankind is such, that many Murders have been discovered — a man comes, and is struck, and confesses a Murder that had been committed Years before — He was struck with the Solemnity of the Bible, and he asked the Question: — Free from the Impression of Fear, he declares then in what Manner it had passed. They would have him considered as a Servant that was free; you observe what Sort of Station he is in: he had no Wages; he had merely

merely Pay as a Seaman ; was under Naval Discipline ; and not only that, but he was obliged to find his Clothes out of that Pay ; he was very severely beat for pawning a Great Coat, which he had bought himself, out of his Money, and which he pawned for the Purpose of becoming a Christian, in Order to pay the Fees. — The Beating might, I think, very easily be exaggerated, and his pawning the Great Coat be an additional Circumstance which might impress itself upon the Captain's Mind, at the Time there was an Idea that went forth, and was pretty prevalent, that when a black became a Christian, he became a free Man ; the Idea might be impressed upon Captain Inglefield, that he had made himself a Christian merely to exempt himself from his Power.

I will not go over the Evidence particularly, that Captain Inglefield did this, and the other : — it is sufficient for my Purpose, that the Black has sworn contradictorily at different Times, and in a different Manner ; therefore he is totally out of the Case.

Since I have had the Honour of attending these Courts in many Cases, but I never knew an Instance of a *Particeps Criminis* allowing the Consummation of the Crime ; and he had sworn positively to it. — I never knew an Instance of a *Particeps Criminis* being (in Law) Evidence, standing alone, his Evidence being taken alone : — That is, I am sure, the Law of this Court, as it has been determined over and over again in many Cases, which I need not go through : — But I particularly remember one, the Case of Wright and Wright, which was an elderly Woman with an Apprentice of about eighteen : — He swore to a great Variety of Facts, and he talked of it to some of his Companions ; but still it made but one Witness ; — The Judge

Judge said, that if it had gone through twenty Mouths, from his having told it to twenty People, still, there being Nothing corroborating, it was but one Witness. — Now, in this Case, What is there to corroborate? — Not a Tittle, every Thing contradicts. — Every one of the Servants swear positively that Mrs. Inglefield had an unexceptionable Character. — There is a Person whose Evidence will have great Weight in this Cause — we all know how exceedingly careful Ladies are to avoid Ladies who are suspected of Infidelity to their Husbands, and Mrs. Parker, in her Evidence, swears that she did not believe the Report; she went and enquired as to the Truth of it, and if she had believed it, she would not have continued to visit Mrs. Inglefield; but she did continue to visit her. — That therefore is strong subsidiary Evidence.

The Letter from Captain Inglefield is a very extraordinary one, it has been gone through by Doctor Harris, therefore I need say very little upon it; but the Facts stated there, and the Circumstances are much more numerous than are stated in the Plea, which is something very extraordinary. — According to that Letter, every Thing passed at Singewell; no Witness, not one Maid Servant desired to watch her — The Coachman was questioned about a Variety of Persons — not one Servant told to observe the Black: — But you have it in Evidence, that so guarded was Mrs. Inglefield with respect to the Black, that when she was alone he did not wait at Table; that is a Circumstance directly contradictory to every Idea of Indecency being practised by her; because, if he had waited at Dinner when she was quite alone, she was Master and Mistress too, she had none to controul her. It is proved that Mrs. Inglefield shewed great Affection towards her Husband while he was at Sea —
She

She had a Fit of Sickness upon the News of his being cast away in the Centaur.

But Courts don't set here to determine upon mere Circumstances; the Question is, whether in Fact Adultery was committed; for the Plea, in Bar against a Restitution of Conjugal Rights, is, that she committed Adultery:—Now, is there a Syllable said of Adultery in the Evidence before you? not a single one before you:—It was necessary to admit the Plea in Bar. — There was a great Deal of Examining and Questioning, before the Justices of the Peace, to three or four of them; but still, if he had sworn to the Fact of the Criminality, which was pleaded in the Libel, it would not have been admissible, if there was no Criminal Conversation, it being now in Evidence from the Black himself, that there was no Criminal Conversation; that is likewise in Proof from the Letter; a Letter, till it was proved, amounted to Nothing; but, that having been proved, you have the Captains own Confession that there had been no Criminality; then the Charge is at an End. “He,” the Black, “says, he never was criminal with you, but that you practised every Sort of Seduction.”—But that still there was not that Crime for which a Court pronounce Sentence of Separation. There is no Medium—I have heard that Doctrine in a Variety of Cases—I had the Honour of attending in Sir John Elliot's Case, which was a Suit for Restitution of Conjugal Rights, brought by the Lady; and a Plea of Adultery in Bar, by Sir John Elliott; and it was there contended, that though there was no Restitution, there could be no Decree of Divorce; but the Judge said, it was Law Universal, and an established Rule, that there is no Medium; the Vinculum remaining, there must either be a Restitution, or there must be a Divorce; there is no Medium.

Captain

Captain Inglefield having failed in Proof of what in that Letter he undertook to prove, as well as in the Suit and Allegation, that there was a criminal Intercourse with this Black, and having failed in that Proof, we are, I humbly conceive, intitled, in Point of Law, to the Restitution which we have prayed; and I think, by praying it, we are doing great Service to the Parties:—I won't lay any Stress upon what Mrs. Parker says—that she proposed an Accommodation*—I wish, for all their Sakes, they had taken her Advice, and had acceded to it, except for one Consideration, namely: that Captain Inglefield now, from having heard the Evidence, may be convinced that his Wife is unspotted (as the Witnesses say) innocent as a Child unborn—that there sticks no Dirt to her from this.—That, even fond as the World is of Scandal, you find that the Report in the Neighbourhood was not believed.—The Ladies themselves, in general, are too apt to find Fault with, and depreciate each other; you find they still esteemed her, they visited her, and considered her as in no Respect guilty; they could not conceive a Word the Black had said was truth, because, I believe, no Woman, who values her Character, would associate with one who had been guilty of even so much as the Black mentions; and that is taken off by the Circumstances—It is taken off by the Situation in which the Black then was—he was under the Impression of Fear—no Matter whether justly or not, if it actuated his Mind.—You find a Reluctance when he was to kiss the Book—he trembled.—What Captain Parker says upon that is extremely material:—Captain Parker was there

* It was Mr. Mills (not Mrs. Parker) who proposed an Accommodation: In Proof of this, see his Letter in the Preface, and his Deposition in the Appendix.

in Order to attend the Examination: — Captain Parker saw what the Justice, Mr. Pilcher, would not or could not see. But there was an Examination before Major Wood, Mr. Rogers, and Lieutenant Brett, exceeding good Sea Officers every one; I believe they thoroughly believed what they said; they were impressed with it, but the Force of Prejudice we all know is such, that an Impression once made, is not easily wiped off; they may be indisputably good Officers, but they are not Lawyers; they are not in the Habit of canvassing Evidence, they don't weigh the Circumstances; indeed they were not apprized of the Circumstances. — Were they apprized of what had passed in private between Captain Inglefield and the Black? — They were not privy to it, it passed between only Captain Inglefield and the Black himself; that Impression operated throughout; having once said it, he did not dare go back. No Wonder then, that all their extra-judicial Examinations were every one consistent with each other; he must persevere in the same Story: and when he comes to make a candid Confession, he was under no Obligation to his Mistress, nor to any one of the Servants.

Now, consider where all these Witnesses are collected from: Nothing but a Desire to right Innocence could have been their Motive. — Mrs. Inglefield, a married Woman, a Feme Covert, with a small Allowance, £100 per Year I think — They all swear they are disinterested. — How should she collect such a Number of unbiaffed Witnesses, unless the Force of Truth had brought them here? Mr. Pilcher*, this grave, this serious Administra-

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tor

* Mr. Pilcher, this grave, this serious Administrator of Justice, deposes, " That during the Time the said John Webb lived in the Deponent's Service, he was several Times ill-
" treated

tor of Justice, enraged at the *Boys* throwing Stones, he jumps out of the Carriage, and beats one of the *Boys*; and that is the Account that is given. It was not right to Charge Mr. Mills, a Person whose Character is fully spoken to, not only by Justice Pilcher, but by Mr. Ruffel, and Gillam, they give him a most unexceptionable Character:—And is no Body to step forth for the Protection of Innocence?—If Mr. Mills was convinced, was it not proper for him to do it?—Is a Charge a Proof?—Is a poor Woman to be harrassed upon such slight Grounds?—Prepossessed himself, convinced from her general Conduct—and is that never to be taken into Consideration?—Certainly her general Character, whenever there is the least Doubt of the Proof, must weigh extremely with every Court; and there is a Circumstance strikes me, I am sorry to say, that it does not pay a great Compliment to his Discernment; but he was blinded with Jealousy, or else no Person whatever who had received an anonymous Note, would endeavour either to trace it, or pay any Regard to an Information which the Persons are afraid to step forth and avow. Therefore it was either some secret Enemy

“ treated by People in the Streets, and once in particular, as
 “ he attended the Deponent’s Carriage, and was going over
 “ Rochester Bridge, he was insulted by some Fishermen, who
 “ threw Things at him; and this Deponent, to protect him,
 “ got out of his Carriage and chastized one of them on the
 “ Spot.

Edward Latter, Coachman to the above valorous Magistrate, deposes, “ He remembers once driving his Master over
 “ the Bridge at Rochester, when the said John Webb was behind the Carriage, and two or three little Boys on the Bridge
 “ were laughing and making their Sport of him, because he
 “ was a Black; and one of them threw a small Pebble at him,
 “ which hit the Carriage, which made the Respondent’s Master
 “ very angry, and he got out of his Carriage, caught the Boy,
 “ and beat him for it.”

of

of hers, or some invidious Person envying their Peace and Happiness.

The Captain says, he thought her Conduct arising from Curiosity.—It was a wonderful Curiosity, and treating such a Subject in a very light Manner indeed, and not consistent with the general Character of Captain Inglefield, and the Earnestness he has shewn in the Business.

As to the Matter of ringing the Bell, it appeared suspicious to him no Doubt, the note might inform him of that Circumstance; but when it came to be cleared up, Nothing is so natural.—The Window was left open—Elizabeth Wells tells you Mrs. Inglefield was frightened—she came down Stairs—not a Word was said about Jack. Every Part of the Letter is so fully disproved, that the Witness himself (Webb) is rendered totally incredible so as to operate for a Divorce. If he was a credible Witness, he would be but a single Witness; but being a *Particeps Criminis*, if what he had said was true, if he had even spoken to the Consummation of the Fact, yet, being unconfirmed, his Evidence could have no Weight. There is not even in the Letter the Charge of Adultery, therefore the Plea, and the Charge in the Letter, do by no Means accord. The Court is to determine whether it is Adultery or not.—The Court is to decide whether there shall be a Decree for a Restitution of Conjugal Rights or not. The Court has repeatedly declared that there is no Medium; therefore there must be Restitution. And not only a Restitution of Conjugal Rights will be the Consequence here, but, I hope, a Return of Affection, and an Obliteration of every painful Reflection, which anonymous Notes or Imagination may have created in Captain Inglefield; and that they will henceforth be as happy a Couple as they appear to have been before this unfortunate affair happened.

DOCTOR WYNNE (*The King's Advocate General*)

S I R,

THIS is a Suit which was brought in Easter Term, 1785, by Mrs. Ann Inglefield, against John Nicholson Inglefield, Esq; her Husband, for the Restitution of Conjugal Rights; and unless he can shew a sufficient and legal Justification of himself in abstaining from, Cohabitation, as I call it, Deserting it, as the Gentlemen on the other Side of the Table call it; unless he can establish the Fact, most undoubtedly he is bound to cohabit with her.

On the other Hand, if he be able to prove what he suspects, I think I use too slight a Word, if he should be able to prove what he has seen with his own Eyes, — in that Case, it will appear to the Court, and to every Person who hears any Thing of this Transaction, that he had but too just and too melancholy a Cause for it; and that he is entitled, I hope, in Point of Law, I am sure he is upon every other Consideration, entitled to receive all the Relief that the Court can give him; and, as far as this Court certainly can go, to separate him from this Woman for ever.

The Case that he has stated, is this, in a few Words: — That after being married to this Woman for between twelve and thirteen Years, after having had four Children by her, having treated her in a very affectionate Manner during the Whole of that Time, she casted lustful Eyes upon a Negro lad that he took into his Family; that she began with using more distant Caresses, but in no very considerable Length of Time, that she used the most abominable, the most nauseous Means to seduce him to gratify her wicked Lusts; and this coming

coming to the Husband's Knowledge, has given Occasion for the present Suit now before you.

To this Mrs. Inglefield has replied, that Captain Inglefield is not the Man whom he would represent himself, at all; does not possess any of the Qualities of a good Husband; but, on the Contrary, that he has conceived in his Mind a wicked Design of deserting a Wife that had performed all the Duties of a good Wife to him, during all the Time of their Cohabitation, and that, for this Purpose, he has trumped up this vile Story, and suborned Witnesses to support it.

These are the respective Cases of the Parties.—It is, unquestionably, a most shocking Charge for a Husband to make, and for a Wife to defend, unquestionably so. It is not, as I conceive, by any Means an immaterial Part of this Consideration, to observe how this Matter is brought before the Court,—because the Gentleman have been obliged to do it.—Every Person who hears it, undoubtedly is offended at the very Suggestion that has been made:—How comes this Matter to be brought before the Court?—It appears by a Letter exhibited in the Cause, and which was annexed to Mrs. Inglefield's Allegation, that upon the 25th of December, 1784, she received a Letter from her Husband, of which she gives this Account: She says, that he had left her a very short Time before at Chatham, and that to all outward appearance they parted in a very affectionate Manner—that he then told her she should go to her Mother's, who had a House at Greenwich, and that he would come there and pass the Christmas with her—that instead of this, he went from Chatham to London, and wrote this Letter, which she received upon the 25th of December:—That Letter I mean to rely upon, as I conceive it to be a very material

—Part of this Case. — The Doctor, upon the other side of the Table, said he was threatened with it, but that he was not at all afraid of it: he too has pointed out Circumstances in that Letter, upon which he thinks depends a Part of the Justification of his Client.

What I collect from that Letter, in general, is this: That Captain Inglefield did not act an insidious Part; that he did not go about to relate his Suspicions to one and another of his Friends and her Acquaintance, or invent those Stories which they pretend he fabricated: He did not indeed trust himself, by Word of Mouth, to make the Charge which has now come out, but he wrote her a Letter, in which he tells her, that he has received an anonymous Note, acquainting him with that which indeed he was but too well informed of before: he tells her in that Letter, positively, that he had himself seen her kiss this Black — that he abstained from suffering this Matter to break out till he had received this Note, by which it appeared that his Dishonour was got abroad—that it was now impossible to keep it within the Walls of his own House, and therefore it was necessary for him to take some Step in it; and he says, he accordingly examined the Black; and he relates in the Letter, in Substance very nearly, what the Black has said in his Deposition.

This Letter was exhibited by Mrs. Inglefield herself, annexed to her Allegation, and therefore there is no need of any Proof of it: One Circumstance the Doctor pointed out, and I thank him for it: that as it appears, before this Letter was written, there must have been another Letter written by Captain Inglefield, and received by the Lady; Where is that other Letter? says the Doctor. How comes it you don't hear of that Letter at all?

—Why

—Why Sir, you do hear of it, by hearing from the Deposition of Mills, that he saw two Letters; he positively says, that he saw, in the Hands of Mrs. Inglefield, two Letters which she had received from the Captain respecting this Matter: One of them she thought would answer her Purpose better than the other, and that one only she has produced. Captain Inglefield has related the Matter precisely in the Way in which the black Servant deposed upon Oath, and he has concluded the Letter with all the Fairness, with all the Openness and Candour a Man could possibly do; for he tells her, at the Conclusion of it, that the Black, in the Examination he had taken, had declared that he had never been criminal with his Mistress, he was always afraid.

There have been several Allegations given in by the several Parties in this Cause, and in the second Allegation of Captain Inglefield, he pleaded, that in Consequence of this Letter, he very soon after proposed a Reference to Friends: he proposed that an equal Number of Friends should be appointed by the Parties, and that this Matter should be examined into.—Sir, that he pleaded—That Article you rejected, and very justly rejected I readily admit, as far as my humble Opinion goes, and the Reason is, because, that when the Matter came into Court, when it became a Question that must be examined regularly, *in Allegata et Probata*, then it was immaterial for the Court to be acquainted with all the Transactions, the Overtures, which had been passed between the Parties and their Friends; but still I have a Right to state, and I conceive it is very material for my Client that you should understand, the Temper, Disposition, and Conduct of the Parties; that he did plead, and offered to prove that this Matter was not voluntarily brought by

him into a Court of Justice; but that he was desirous there might be Friends appointed on both Sides, that might examine the Evidence, and in short, to do whatever they might think fit, in Consequence of it. It is not suggested, it has never been pleaded, it is now indeed disavowed by the Doctors on the other Side, that Mrs. Inglefield ever took any Step of this Sort; she receives this Letter, in which her Husband charges her with having seen her kiss the black Boy, at the Time he was dressing her Hair; she receives a Letter, informing her of the several Circumstances with which he charges her, relative to her Behaviour with this black Boy; she disdains to consult her Friends; she disdains to desire her Husband to enquire, whether he may not have been deceived; whether there may not have been ill Offices done between them; and she insists, that he shall either take her to his Board and his Bed again, or else that he shall have the Charge thrown upon himself of bringing this Matter, of this vile nauseous Story, into a Court of Justice,

I will not take upon me to say, that a Woman, who could act in this Manner, must be presumed to be of a Disposition wicked enough, and impudent enough to do any Thing she might be charged with—that would be going rather too far—but I will take upon me to say, she must be a Woman of a very extraordinary Constitution, that she must be destitute of every Feeling of Delicacy and Modesty of a Woman that could do this; and it appears to me, that her Conduct has laid some Foundation at least for the Court to believe the Charge that is now brought against her; she is not afraid of the Story at all; she has no Desire it should be concealed that she has been charged with this, and that there should be such an Examination as there has been

been upon it: I dont at all wonder at that, for it has been made as public already as News Papers can make it; and I think it pretty plainly appears in Evidence, by what Means that has happened, because one of their own Witnessses has proved it upon Mr. Gillam Mills*, of Greenwich. — However, we are now forced into this Business, and it is become absolutely necessary for Captain Inglefield to give in the Allegation which he did, charging his Wife, which he undoubtedly has done, with Adultery, and to examine such Witnessses as he has been able to produce, in order to establish that Fact.

Sir, you have had a great Deal of your Time taken up in laying that Evidence before you, and now, that it is my Duty, as Counsel for Captain Inglefield, to represent the Case in that Light in which I conceive it must appear, I will desire to submit to you three Considerations :

* If the King's Advocate will condescend to examine the News Papers, he will find that Mr. Mill's first Letter was on the 2d of August, 1785; and the scandalous Publications that made the unhappy Dissentions notorious, were in the Papers of the 26th and 30th of July; the first of these is suspected, the last is avowed to have come from Captain Inglefield's Party; therefore Mr. Mills was not the Means of bringing the Business into public Notice.

All those Parts in Dr. Wynne's and Dr. Scott's Speeches, charging me with, and censuring me for bringing this Cause into a public Court, are fully answered by me in the Preface; wherein I have proved, that every Measure (consistent with the great Object I had in View, the clearing my Character) was ineffectually pursued to bring about a Reconciliation, and to adjust a private Separation; therefore I was compelled to appeal to the Ecclesiastic Court, to render me that Justice my Accuser denied me.—When I had commenced the Suit, Captain Inglefield would have stopped further Proceedings, but, for Reasons given in the Preface, I rejected his Proposals; and am convinced, from well weighing every Circumstance that has since occurred, I therein acted with a becoming Conduct to myself and Children.

First,

First, What Proof Captain Inglefield has made of the Fact.

Secondly, What Effect that Proof would have, if uncontradicted. And

Thirdly, With what Effect it has been contradicted.

Those are the three Considerations under which I will desire to consider this Case.

Captain Inglefield, in his Allegation, has charged in general that Case which I have alledged; that Conduct with the black Servant, who lived with him at the Time, from which he formed his Opinion that she had committed Adultery with this Lad.

In Order to prove that Charge, the Boy himself has been examined, and the Account he gives, is shortly this: — He says that he went to live in the Family, at Greenwich, about May, 1783, near two Years—that from his first going into the Family, his Mistress took more Notice of him than he thought became her—He says she used frequently to smile upon him, to take hold of his Hand and squeeze it gently. Two or three Months after, she was delivered of a Son, and about a Month after that, as he was one Day sweeping the Hearth, she put her hands round his Neck and kissed him—He says, the next Day, when he was dressing her Hair, she lifted up his Apron and proceeded to Indecencies — A Day following that she called him into her Bed Chamber, as she set upon her Bed, pulled him upon her Lap, and renewed, with additional ones, the Indecent Practices she had used the preceeding Day, and told him that he need not be afraid of his Master, for he would know Nothing of the Matter. — He speaks of her having frequently, upon subsequent Occasions, done these Things at Singlewell—and he further says, that one Forenoon, about

about ten Days after his Master and Mistress went on board the Scipio, that his Master having gone on shore, his Mistress called him into the Cabin, and ordered him to empty a Bason of Water—that she then shut the Door, fastened it on the Inside, and then she put both her Arms round his Waist, kissed him, and attempted to unbutton his Breeches, upon which he got out of the Cabin as fast as he could.

This is the Account given by the Witness, of what passed at different Places. At Singlewell the Account given is, that the Practices of this Kind lasted twelve or fourteen Months; the other is, respecting this single Fact — The Circumstance of what passed on board the Vessel, is confirmed by Mr. M'Carthy to a certain Degree.

Mr. M'Carthy proves, that after Captain Inglefield and his Lady had been on board the Scipio, and the Time he describes, this brings it to about the Month of November, that the Captain asked him if he had ever seen any improper Familiarities between his Wife and John Webb, the black Servant. — The Witness says, he declared he never saw any Thing of the Kind. — But however, Captain Inglefield thinks that he has Reason to suspect something, and desires him to watch them; and accordingly the Man says, that about a Week after that, he heard her one Day call Webb into the after Cabin in Order to empty a Bason of Water—that Webb went into the Cabin—that as soon as he got in, the Door was shut on the Inside—that he was there about a Quarter of an Hour, during which Time he heard a great Struggling between the two Parties—and the Witness does say, that he thought, at the Time, that they had committed Adultery together; and that he should have continued to believe so, if he had not understood the Contradictions of that Fact made by the Boy.

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The Depositions of John Webb, to what passed at Singlewell, are, to be sure, less material, but they are not absolutely unconfirmed neither : — for a young Gentleman who was examined, a Nephew of Captain Inglefield's, Mr. Thomas Slade Featus, says, he used to be at the House of Singlewell — He speaks to a particular Day, upon which he heard Mrs. Inglefield call John Webb, the Servant, into her Room, to take some Plate out to be used at Dinner ; accordingly, he says, she went up into her Room, and the Witness followed her ; soon after that, John Webb came up into the Room, when Mrs. Inglefield, putting her Hand into her Pocket, said she had forgot the Key, and she desired this young Gentleman to go for the Key, she told him she believed it was in a back Parlour ; that he went down Stairs, and was for five or ten Minutes looking for it, at last he found it, and he went up again into the Room, and there he found Webb in the Room, standing by his Mistress.

Now, I will consider how the Case stands, as confirmed by these two Witnesses :

First, The Transaction in the Cabin, as that is most particularly spoken to.

Secondly, Those Circumstances which passed at the House in the Country.

Perhaps the Account that is given by M'Carthy, or that given by the other Witnesses, taken by themselves, might very truly be said to have Nothing in them that is in the least criminal.

The Doctor, on the other Side of the Table, thought, however, that it was necessary and fit for him to throw some Kind of Slur upon the Evidence, to endeavour to diminish the Credit due to the Evidence of M'Carthy. — I never in my Life saw a more candid or fair Witness than Mr. M'Carthy

M'Carthy is, and indeed the other Witness, and so is every Witness that is examined in this Cause, as far as any Practice of Captain Inglefield respecting them, can possibly affect them.

Mr. M'Carthy says, he never before saw, or suspected any Thing; he relates barely the Fact; what he saw and heard; and he leaves it to you to judge what Inference you should draw from the Fact: — That is the most candid Account a Witness can possibly give; but if that is confirmed by the Testimony of another Witness, it will tend strongly to prove the Fact. — This is the Account at least, not of a willing Witness for the Party, for whom he is produced, but rather, as I conceive, of an unwilling Witness; for Mr. M'Carthy does speak in that Kind of Way which shews that he was not in the least disposed to establish the Fact, which he was brought to prove, unless so far as the Facts will warrant. What is the Fact? — That Mrs. Inglefield, having called the black Servant into the Cabin, she fastens the Door on the Inside: — Now, Is not that a pretty extraordinary Circumstance? I understood the Doctor to say: It is a common Thing for a Lady to lock the Door when she calls her Footman into a Room—that it is very common to struggle, and make such Kind of Noises, as that a Man, who is standing on the Outside of the Door, shall think that this is precisely as if these two Persons, upon the Floor, or a Chair, or something of that Kind, were doing what Men and Women are apt sometimes to do in the dark, and when every Body else is kept out — Mr. M'Carthy says, that is the Impression it made upon his Mind; and what strongly increased that Impression was, that when the Lad came out, he looked frightened and scared.— Does not this confirm what was sworn by Webb himself, respecting
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this Lady on other Occasions—that she used to be guilty of such Practices—that she used to kiss him—that she, in short, made Use of all those Kind of Attempts to seduce him, which he has related in his Deposition.—It is confirmed in this Way by a Witness, speaking to the Fact, declaring that he knows Nothing but the mere Fact as it is related. In my Apprehension, an Account given by a Witness who must know what passed, and confirmed in the Way that this is, by a Person who was on the Outside accidentally, is as strong a circumstantial Confirmation (certainly it is no more than a circumstantial Confirmation) but it is as strong a circumstantial Confirmation as could possibly have been given.

The other, to be sure, is not so strong; and it is a Story which, if taken by itself, without being let into any of the Practices that this Lady had formerly used with her black Servant, would amount to Nothing, it would be a Story perfectly indifferent; but when you come to consider, that her Way was, as is deposed by Webb, to endeavour to get him into her Bed Chamber:—When you observe, that she called this Lad up into her Bed Chamber, in order to take Plate out of her Closet, and had not carried the Key of that Closet with her—when you observe the Man goes up into the Room, not being called by his Mistress—whether it was out of any Curiosity of his own, or any Suspicion; if he had any Suspicion he most carefully conceals it; he denies it indeed, for the young Gentleman deposes in the fairest Manner possible, much to his own Credit, and the Credit of Captain Inglefield, who is his Relation, and, as such, must be supposed to have an Influence over him.—The Lad says, he never suspected any Thing—he knows of no ill Conduct in his Aunt: but the Fact he
speaks

speaks to is, that this black Servant was called up into the Bed Chamber by his Mistress; the Witness follows of his own Accord, and when she saw him in the Room, was it not a pretty odd Choice, there being an Errand to be done down Stairs, that she should rather send this young Gentleman than the Black, and choose to keep the Black servant there while he was gone down to search for this Key? — Surely that is not a Circumstance totally immaterial — it is that Kind of accidental Circumstance that in my humble Apprehension does strongly tend to confirm the Evidence that is given by John Webb, of her constant Practice, if she could, to get him alone, and whenever she did get him alone, to use Practices of this Kind.

The Evidence he has given, amounts to no more than this, that his Mistress did endeavour to seduce him, and used Practices of this Kind for a considerable Length of Time; but, in Fact, he never was criminal with her: — I confess the Effect it makes upon me is very much like that which is made upon the old Major of Marines, Mr. Wood, that is, that he has told the Truth, but not the whole Truth. — I can scarce conceive it possible, in the Nature of Things, credible I am sure it is not, considering all the Circumstances, considering the Character, and the Facts, as they are related by this John Webb, that the Whole should have broken off unconsummated in the Manner that he has related.

Now, taking for a Moment the Fact to be, that Mrs. Inglefield did use these Practices with the black Boy, I believe no one will believe that it stopped with her; no one will suppose that she had all this Pleasure in raising her Passions, and that it never entered into her Mind to gratify them at all: therefore I conceive, taking them as Facts, correctly

rectly true as John Webb has related them; no Body will suppose but the carnal Act was committed between them.

Now let us see how it was on the other Side:— This is a Lad about nineteen Years of Age, a Native of a Country, the Constitutions of the Inhabitants of which, are generally supposed to be as warm as the Climate; now then can it be supposed that this young man, who it will not be suggested had any religious Scruples, it won't be suggested that he had any moral Scruples to restrain him upon an Occasion of this Kind— he had all these Temptations to seduce him, he had all these Opportunities, his Passions were frequently raised to the Height; but, when that was done, he always resisted the Temptation, he always declined, he always got him out, in Order to avoid his Mistress; Can that be credited? and yet, that is the Account that is given by this Witness.

It seems to me much more probable, that the Fear which is represented as the Motive that prevented him from actually consummating this Act, should be his Motive for denying it; and that, though he would relate the other Part of the Story himself, he would not take upon himself such a Degree of Criminality as should subject him to the Resentment of Captain Inglefield, whether he had been his Master or not:— The Resentment of a Man of that Kind he must know was very much to be dreaded:— conceiving, from the Impressions which the Situation would naturally make upon any Man, it is much more probable that Fear should have induced him to conceal that Part of the Story; for he has taken no Part of the Crime upon himself; it is all the Temptation that was used on the Part of Mrs. Inglefield, and rather Merit on his Part, for it was all resisted; and, to
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be sure, he positively says the Crime was not actually committed. — Compare this Case with the ordinary Cases of Adultery which come before the Court:—What does the Court proceed upon every Day in these Cases and pronounce Sentence of Separation for? — It is that a Man and a Woman were shut up together in a Room privately, and that there were Persons at the Door, who heard Noises, Strugglings, and Screaming; Circumstances of that Kind from which the Court always does infer, without enquiring any further, that an Act of Adultery was committed, unless there should be any Reason to suspect Collusion.—Now I don't suppose it will be suspected here was any Collusion between Mrs. Inglefield and the Captain, or between Mrs. Inglefield and this young Man, or that she was not very sincere upon this Occasion—No Body will doubt that.—Then I submit that this Kind of Evidence is abundantly sufficient to have founded a Sentence of Separation, supposing the Fact of Adultery to be established.

Sir, I need not put you in Mind that you are not now desired to dissolve this Marriage; you know very well that you cannot do that; that the very utmost the Court could do, supposing the Evidence to be as strong as a Case of this Kind possibly could be, the Court could go no farther than to decree a Separation from Bed, Board and mutual Cohabitation, until the injured Party consented to cohabit again, because that is always made a Part in every Sentence of Separation.

It has been said, by the Doctor who spoke last, that there is no Medium, that the Court always does, and always must, either pronounce for a Restitution of Conjugal Rights, or decree Separation; I know very well, that although this began as a Case of Restitution, yet, if Captain Inglefield, the

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Party

Party who is proceeded against, is able to establish his Case, and to prove that there had been such a Conduct on the Part of his Wife, and that he is not bound to cohabit with her, I know that the Court might, in that Case, and has in an hundred Instances, pronounced a Sentence of Separation:— But, that that is clear Law which the Doctor has taken for granted to be so, namely, that the Court must either admonish, to restore Cohabitation, or Separate, is farther than I can go; I dont know that that is perfectly clear:—I remember a Case, in which a contrary Opinion was held by a Judge we all knew, whose Experience and Learning we were all extremely sensible of, and that is the late Sir Edward Simpson:— There was a Case before him of Holmes and Holmes, it afterwards went by Appeal to the Court of Arches, in 1775; I remember the Case perfectly in both the Courts: That was a Case of Restitution of Conjugal Rights, brought by a Husband against his Wife.— The Wife, in that Case, gave an Allegation, in which she pleaded, that her Husband had, in many Respects, imposed upon her—that he had pretended himself to be a Man of Fortune, when in Truth he was not—that she had lent him Money, of which he had defrauded her—that he had become a Bankrupt—that he had deserted her, and remained absent from her (she did not know where) for more than a Year, and then he returned and insisted upon her cohabiting with him, and used or was endeavouring to use Force for that Purpose.

That Allegation Sir Edward Simpson admitted, and I perfectly remember he said (I have something better than a mere Recollection, because I find I wrote the Words down at the Time) that although there might not be a Foundation, in this Case, for him to decree a Separation, by Reason of Cruelty,

Cruelty, yet there might be a sufficient Reason for him not to decree a Restitution under the Circumstances of the Case.

I don't mean to conceal from you, by any Means, that this Cause was appealed to the Court of Arches; and Sir George Lee certainly did declare a different Opinion.—But the Reason for my mentioning it, is to shew that it is not a Notion of my own, thrown out without any Foundation at all, but that it was an Opinion that was judicially declared by a Person of as great Eminence and Learning in the Profession as any of his Time.

There is another very authentic Record, of which I would desire to put you in Mind, which I think will afford the Principle in this Case, which may be of Use to my Client:—There is, in the Papers annexed to the Life of Sir Leoline Jenkins, page 723, a Report which was made by him and Sir Giles Sweet (who, I believe, were at that Time, the Judge of the Prerogative, and the Judge of the Admiralty; the two Heads of the Profession) to a Reference from Lord Keeper Bridgeman:—It was a Case which arose in the Court of Chancery, between a Mr. Horwood and his Wife:—There had been, during the Time of the Usurpation, a Commission appointed, who determined upon Matter of Separation and Alimony between Husband and Wife; and they had decreed that this Mr. Horwood should pay his Wife Three Hundred Pounds a Year, for a Separate Maintenance, from which Decree he then appealed to my Lord Keeper Bridgeman, to be relieved from; and Mrs. Horwood, on the other Side, opposed and prayed that it might be carried into Execution:—It appears that this Matter was referred to those two Persons to make a Return, stating what was the Practice of the Ecclesiastical Court,

respecting Cases of this Kind, for Separation ; and they state it in this Manner — They say :

“ That when a Sentence of Divorce, *in Causa Civitatis* is given, the Wife is at Liberty to live apart from her Husband, and ought to have Alimony, notwithstanding any Invitations or Solicitations made by the Husband, till she do, of her own Accord, return to cohabit with him, or else, that the Court Christian doth see Cause, upon new Allegations and Proofs, to compel her to return *ad usque conjugare*.”

Secondly they state, “ That there are some Sorts of Cruelty, which being alledged in Judgment, and proved, and a Sentence of Divorce thereupon had, the Wife cannot by Law be compelled against her own Liking, to return and cohabit with her Husband, though such Security be offered, for his good Behaviour, as is beyond Exception.”

Thirdly, they say, “ That there are other Cruelties, so called, such as may be endured when they happen, and though they have been some Time acted, yet a Change in the Husband may make it almost unreasonable to fear them in new Circumstances. — There are,” he says, “ likewise, Sentences of Divorce sometimes submitted to by a tacit Consent of the Party ; in these Cases the Court Christian may call the Wife, and upon Causes alledged and proved, compel her, by Censure ecclesiastical, to return and cohabit with her Husband, upon Caution given for her good Treatment.”

Now, the Application which I desire to make of this to the present Case, is this :—It is stated there that Sentences of Separation, by Reason of Cruelty, are pronounced by the Court upon Cases more or less plain ; that the Consequences of the Sentences

is different; that when the Ground is a very flagrant one, upon which they have been pronounced, in that Case the Party who has obtained it, is not to be compelled to cohabit under any Circumstances, without Consent; but that if such a Sentence has been obtained in a Case less flagrant, and upon Circumstances which are a less complete and absolute Ground, for the Party to have complained, and for the Party to have obtained it; in that Case, the Party who has had the Separation pronounced against her, would be at Liberty, at a future Time, to apply to the Court, and to obtain a Reversion of that Sentence of Separation.

I conceive what is there stated, in Respect to Cases of Cruelty, will bear perfect Analogy to Cases of Separation, where Adultery is compleat.

I don't mean to say, that upon the Authority of this Case, or upon any Authority in Point of Reason or Policy, a Husband ought to be at Liberty to apply to the Court to obtain a Separation, upon Suggestion only, nor even upon Proof of Levity, or of Indiscretion, for such Matters; as it was in his Power, perhaps, to have prevented; and when they had actually passed, he has no Ground himself to apprehend that he has received any material Injury; that I don't mean to contend by any Means in the World.

But I do contend, upon the Authority of this Case, that where a Husband can lay before the Court such a Degree of Proof as makes it impossible, supposing the Facts to be established upon which that Suspicion has arisen in his Mind, that he can with any Comfort cohabit, that he cannot, in Point of Law, be bound to cohabit, under such Circumstances: And I conceive, although it is not that absolute Degree of Proof which may be expected in some Cases, and which the Court in

some Cases proceed upon to pronounce a Sentence of Separation, by Reason of Adultery, which it never would reverse: Still, as I conceive, if such a Case has been laid before the Court, and proved by the Party, as shall shew, that he has just and reasonable Ground to suspect that the very last Injury has been done him, and that the Person whom he is desired to cohabit with has given him such a just Disgust, as that it is impossible for him to cohabit and perform the Duties of an Husband — for the present, then, I say, that according to the Analogy of that Case, according to the Law, according to common Sense, and common Humanity, if such a Case as that can be establishid by the Husband, the Court is bound, either in the one Way or the other, to give him Relief. — I submit to the Judgment of the Court, whether you will, under the Circumstances of the Case, think you are at Liberty, without pronouncing any Sentence at all, to refuse the Monition, or else, that you will pronounce a Sentence of Separation. — But, I say, in the one Way or the other, effectual Relief the Party is entitl'd to, if he has been able to establish that Fact.

Every Writer upon the Question, has always laid it down, that according to the Effect of Severity the Sentence will have for any act complained of, for any Act that a Party is charged with, but more particularly Adultery, according to the Effect the Sentence will have upon the Party, supposing the Proof be more strict or less strict upon which the Court will pronounce that Sentence. — There is a Passage in Monopius, which I beg leave to state, it is in his first Book, Presumption 41, Title *Adulterium quibus Rationibus Conjunctum Deligata* (read the Quotation) He states, that there are three Purposes for which a Suit for Adultery may
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be commenced: for capital Punishment to the Party who has been guilty of Adultery; for the Separation *a Mensa et Thoro*, from the Party who has been injured; and, in Order to inflict a pecuniary Penalty upon the Wife, so as to confiscate her Portion: — Having stated several Presumptions, he states, that that which is the ordinary Proof, upon which these Courts pronounce in Cases of Adultery every Day, such as the Parties being shut up and refusing to open the Door, and Circumstances of that Kind; says he, that is sufficient to obtain a Separation *a Mensa et Thoro*; it certainly is not sufficient to condemn the Adulterer to a capital Punishment; but as the Effect in this Case is less severe, that of a Separation, though it should be a perpetual Separation, than that of a capital Punishment, so a less Degree of Evidence shall be received.

Now, when I mentioned the Case as reported by the two Judges, I should conceive that a more or less strict Proof of the Fact of Adultery having been committed, will induce a Court to pronounce a Sentence more or less severe, as knowing that the Effect of that Sentence will be different; in the one Case where a Sentence of Separation is pronounced upon a strict and complete absolute Proof of Adultery, even in that Case the Common Law does not suppose that the Parties will continually cease from Cohabitation to the Ends of their Lives, because, even there, it is merely that the Separation shall be until the Parties will consent to cohabit, that is until the injured Party consent to cohabit: but where the Proof is not so strict, and where the Party having lived in such a Way as will shew that the Party possibly may have been innocent, or if not, is reformed, and at least reformed from those Practices which are the Foun-

dition for the Court to pronounce the Sentence of Separation upon:—In that Case the Party will be at Liberty to state to the Court what that is, what the sort of Evidence was that the former Sentence was pronounced upon, and the Court, in that Case, would reverse the Sentence of Separation.

Then I advert back to the Fact, supposing you believe the Fact as stated in the Deposition made by Webb, and supported in the Manner that I have submitted to you by the other two Witnesses.

I say, in the first Place, the Party has proved that Captain Inglefield has charged her, and the Doctor on the other Side, seemed to admit that to be a Degree of Evidence:—He has charged her by saying, “I saw you kiss the black Servant in the Presence of one of your Children,”—Good God! What Kind of Impression must that make upon a Husband?—It does not rest upon that, because, that Servant having been charged, does, over and over again, in the most serious Manner, declare, not only that she had done this, but that she used the lewdest and most nauseous Practices that could be, in Order to solicit and induce him to commit Adultery.—The Presumption undoubtedly is very strong that Adultery had been committed; and the Suspicions raised in the Mind of the Husband, by such Circumstances as these, are not to be called the Visions of a jealous Brain:—But to such a Man and Husband, as he proved to have been, they are Matters of a very serious Consideration; and the Court will hardly go so far as to say, that a Person who has made such a Complaint of this Kind, after he has been driven to it by this being made public; in a Manner, he was forced to do it, for he has been dragged into this Business; it is a strong Mark of Misbehaviour in Mrs. Inglefield, that she has forced him into it,
and

and that she would not allow a little Time for Reflection, or for the Interposition of Friends, or for her Husband's Mind to cool, if there was Room to do it; but after being dragged in this Way into a Court of Justice, that he should be compelled to cohabit with her (supposing you take these Facts for true) I am sure you will seriously reflect and consider with yourself before you will pronounce such a Sentence.

But it is alledged, on the Part of Mrs. Inglefield, that this Accusation is not true, she has contradicted it, and she has made the Person, who undoubtedly is the main Pillar in this Cause, himself contradict the Evidence that he has before given; for, to be sure, he has made a Deposition in the Cause, in which he has declared that all which he had related before is absolutely untrue, or was a mere Invention; and that, as far as he knows to the Contrary, Mrs. Inglefield is a very innocent and much injured Woman.

The Doctor on the other Side of the Table said, that one Line, and what he supposed the most favourable Line (at least it is the most favourable Turn that he thought fit to give to the Case of the Party in this Cause) was the endeavouring to prove that Mrs. Inglefield has been criminal; says he, at most, that reduces the Evidence of Webb to a mere *Caput Mortuum*.

Doctor Harris. I said the Contrary, I said he was a good Witness for Mrs. Inglefield.

Doctor Wynne. The Doctor agreed it in two Ways — That in one, namely, in the second Deposition he was a good Witness, and to be believed; but said, supposing the Court to be of Opinion that his latter Deposition was affected by the former, then it became a *Caput Mortuum*; and that he would knock the two Depositions one
against

against the other, and by that Means both would be shattered to Pieces, and they could have no Effect at all.

I apprehend you will at least suppose it a possible Case, that this Man, having given a true Deposition in the first Place, had been afterwards, by improper Means, induced, that he had been corrupted, and there has been a Conspiracy against the Husband, which I desire to oppose to the suggested Conspiracy against the Wife — and that he having made that Detection of the Injury done him, which he had made when the first Deposition was taken by Webb had been concluded; then they obtained another Examination from him contradicting the former; — that I take to be the Way in which the Court will consider it. — Then let us see whether any Credit is due to it at all.

Upon this Part of the Case, I conceive that the Disposition, the Temper, the Manner in which my Client hath behaved to the Party, is extremely material to be taken into Consideration, upon the Ground of Probability, whether he was capable of doing it, from the Manner in which he lived with his Wife from the Beginning, from their Marriage down to the present Time, whether there is such a Ground as can fix such a Suspicion upon him; I will not enter into the Depositions of the Witnesses that spoke of his Behaviour as a good or a bad Husband, but I will venture to affirm, without Fear of Contradiction, and relying upon your Recollection of the Evidence, that there is not one Husband in England, let him be whom he will, if called upon to prove, before a Court of Justice, that he had behaved in an affectionate Manner, as it is fit a Husband should do to his Wife, there is not, I say, in England a Man who could prove he had fulfilled that Duty in a more exemplary Manner

ner than Captain Inglefield hath done from the Time of his Marriage, down to the Time when this unhappy Affair broke out. This is not a Marriage of a very late Date; in the Year 1773 they were married, and in the Year 1780 Captain Inglefield was called abroad upon his public Duty: — Why, if Captain Inglefield were a Person of that Sort of Disposition that has been represented, who married a Woman for the Gratification of his Passions, and when those Passions were gratified, was ready to cast her off, and mix her with the Dirt of the Streets, he would have begun to grow tired of her before that Time: — Now, is that the Fact? — You have the Evidence of his Agent, he has proved, that between 1780 and 1782, in the Space of a Year and about two Months it is, the Agent paid £760 to Mrs Inglefield, as from her Husband; and that he knows, before that, she received Interest to the Amount of upwards of £200 and something more, so that there is a compleat Thousand Pounds, and rather more, paid to the Wife while the Captain was absent; and £60 of that, the Agent says, he knows was paid by the Wife to her Mother; I suppose that was not without the Consent or the Approbation of Captain Inglefield; and that was as strong a Mark of his Attachment and affectionate Regard for her as he could possibly give. — This is not in the Honey Moon, it brings it down to the very Commencement of this Transaction.

Captain Inglefield returned home from the public Service in 1783; he was then appointed to the Command of a Guard Ship, and the Place at which Mrs. Inglefield was fixed, was at Greenwich, above forty Miles distant — Why, a Man who was tired of his Wife, would be glad to have her at forty Miles Distance: — Was that the Case with Captain Inglefield? — The Witnesses prove, that instead of
that

that he removes her to Singlewell, which was near Chatham, where they could be near together ; and that even at the Time when it was necessary for him to be on board, he carries his Wife with him : says Doctor Harris, there was good Reason for that, it was to remove her, that she might have no female Friend near her ; that he might bring her amongst his Sailor Fellows, that might be able to charge her with whatever Crime he pleased. — Is there any Thing of that Sort done ? — Don't all the Gentlemen on board, that have been examined, give her as fair and as handsome a Deposition as possible, with Respect to any Thing they saw ? — Does any one of these Persons, Mr. Brett, Mr. Rogers, Mr. Wood, or Mr. M'Carthy, is there any one of them attempts to criminate her, by any Act that they pretend to have seen ? — There never was a more unfounded, and I take upon me to say, unhandsome Insinuation thrown out than that is, which the Evidence repells, and shews to be absolutely void of all Foundation, either that there was any Attempt made of that Kind by the Captain, or that the Gentlemen he had about him, or the common Men that were in the slightest Degree capable of forwarding any such Design. Then another Ground that is taken is : What signifies what this black Slave says, a Slave is bound to do as his Master bids him ; it matters Nothing what such a one says, he is under the Whip, and every Expression that he uses is offered under that Apprehension. — In the first Place, there is not any Ground to say that John Webb was not as free a Man as any Servant which any Gentleman in this Room has, Nothing could be more completely proved than that the Fact is so. Well, but in what Manner was his Examination taken ? — Did Captain Inglefield learn, what he is said to have heard, from this black Servant ? Why the Black has

has given the Account. — I desire, first of all, that the Court will be pleased (and I am sure you would do it if I had not made the Observation) you will make a Distinction between what John Webb has said in his Deposition, and what the Persons who have been conversant with John Webb since that Time, pretended to have heard at that Time; because, I contend, that every Syllable which these Witnesses pretend to have heard from Webb, of what is not contained in his latter Deposition, is false; whether they speak it falsely, or Webb spoke it falsely to them, I cannot tell, and do not care; but the Court will undoubtedly see, that when he was brought to be examined, in the Manner, and with the View he was, upon the second Examination, and had all that interrogating, that it was impossible he should leave out of his Deposition such Circumstances as some of the Witnesses say he told them: — Can it be believed, that if Webb was ready to prove that Fact upon his Oath, that his Master bored a Hole through the Cabin Door, with a Gimblet, and desired him to go and kiss his Mistress, and do whatever else he pleased when he dressed her Hair? — Would not that be produced in his second Deposition, if the Fact was so? — There is not a Suggestion of the Kind, therefore that must be left entirely out of the Case. — But in what Manner is it said, in his second Deposition, and upon the Interrogatories, as to what Captain Inglefield said to him? He says, first of all, he strongly exhorted him to speak the Truth, then he asked him and said, Jack, you

* If Webb had been questioned to these Points in the Commons, he would there have given the same Relation as he had given to several of the Witnesses and others. My Counsel were satisfied in framing such Interrogatories only as would prove my Innocence, this being completely affected, the other Circumstances were deemed unnecessary to be noticed.

have

have kissed your Mistrefs.—No Sir, I never did.— Then he says, that he looked sternly, and he stormed, stamped, and swore, and said, he had seen him kiss his Mistrefs, and asked him how he dared to deny it; and then, he says, that under the Influence of Terror, he said, Yes, whatever you please to say Sir, I will say.—Now there is one Circumstance that is sufficient to overthrow all this:— How came Captain Inglefield not to say, Jack, you have lain with your Mistrefs; and how came Jack not to say yes upon that Occasion? — That, according to their Account, would be a Foundation for that Sentence which we pray.— But it is not so through all the Examinations; with all the Fear of the Whip, and being on board in the absolute Power and Custody, and under the Dominion of Captain Inglefield, he is not brought to say that.— In his first Deposition he says, that he was tempted in the Manner he stated, but was in Truth never criminal with her. — I say that is abundantly sufficient to refute it, and that it is all mere Smoke, all that has been thrown out respecting his being intimidated by Captain Inglefield, because it would be intimidating to no Purpose; and upon that Occasion, in which it would be to Purpose, Captain Inglefield would have made him say what he pleased, he would have made him swear to the Fact of Adultery; he never would have suffered him to deny that in his Deposition; and therefore there is an entire End of that Insinuation. — But there are other Circumstances:— He says, in his Deposition, that Captain Inglefield desired he would learn the Lord's Prayer, and the Apostles Creed, and when he had learned them, which he says he did, he then examined him again, and asked him if it was Truth: that is a Man intending to persuade another Man to tell a Lie; and a Lie which is to be the Ruin of an innocent Person;

Person; by Way of Preparation for that, he gets him to learn the Lord's Prayer, and the Belief; that is what this Man has sworn in his second Deposition. — But what will shew beyond all Probability of Doubt, the clearest Conduct in Respect of this Business, on the Part of Captain Inglefield, is, that the Moment the Man has made the Deposition, although he is the Commander of the Ship, although he is borne upon the Books of the Ship, although he had a Right to detain him on board the Ship, and it is impossible that he could have quitted the Ship but with the Captain's free Consent, the Captain, out of Delicacy, a false Delicacy, a mistaken Delicacy, an unhappy Delicacy it was, he sends this Man away; he said he was a good Lad, he recommends him to a Friend, who takes him as a Servant the Moment he had made this Deposition. The Black pretends to suggest that the Deposition was made in a Sort of Custody; he has said, on one Interrogatory, that he was kept on board the Ship a Month, that he was sent from on board there, to be examined in London: — What does he say in his next Answer? — That he came to London in the Chatham Stage Coach by himself, without any one Person with him: — How was it possible for a Man to be more at Liberty to go where he would, and say what he would than that Person *. Having been dismissed in this Manner by Captain Inglefield, he went into the House of a Mr. Pilcher. — The Examinations that had been taken before, the Gentlemen have observed upon;

* The Reader, on recollecting that the Black was, at the Time here alluded to, Captain Inglefield's Servant, and a rated Sailor on board the *Scipio*, will easily believe it was impossible for him to act otherwise than he did, without risking, at his Return, his Captain's Discipline, or the more dreadful Punishment for Desertion, consequently he was not a free Agent, he could not go where he pleased, &c. &c.

I will

I will not, with any Degree of Accuracy and Pains, labour that Part of the Case, but content myself barely with averring, that there never was a more cautious Examination taken. The Witnesses, one of them, that were present, or at all concerned in the Transaction, relate to you the Pains they took, they relate to you the Commission that was given them by Captain Inglefield, to discover the Truth and find it out as much as they were able; and they declare they did. — Two only of them, I think, have been at all observed upon, respecting that Matter: one is Captain Parker, the other is Mr. Martin: Captain Parker was present at the Examination at Mr. Pilcher's, at Rochester; he expressly says, that no improper Means were used at all, in Order to induce the Man to speak otherwise than the Truth: — He expressly says, that Pains were taken by all, and by himself in particular, to explain to the Man what he was about; but he says, Webb was in a great Deal of Terror when he took the Oath. — The Doctor on the other Side the Table says, that the Degree of Terror was such as ought to have induced the Magistrate, and would induce every honest Magistrate, not to administer the Oath. I cannot conceive that to be so. — What dreadful Ideas this Man might have had I cannot tell, he might have had some superstitious Notions, in all Probability he had, of taking an Oath, and therefore he might be under Awe and Fear of what he was going to do: it was a Ceremony he had never gone through, or probably seen any one go through before: — But I should apprehend, supposing that to be the Case which the Witnesses do, his having that Awe and Impression of the Oath, as they all admit that he had, that it would have superceded all other Impressions of every Kind; and that he would have had no other Impression upon his Mind, but that
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of the Act he was about, and consequently would have spoken the Truth.—What does Captain Parker say? Why, he believes, if there had been any Body at that Time had desired him to speak in Favor of his Mistress, that he would have taken an Oath upon one Side as well as the other.—I don't know how that would be; but I suppose he meant to infer that all the Persons present were persuading him to speak in Favor of Captain Inglefield: but that was not the Fact; they did not persuade him to speak on the one Side or the other, but only to speak the Truth, and with Respect to being criminal with his Mistress; or knowing he ever had been guilty of the last criminal Act: to be sure in that Examination, he did declare he knew nothing of the Matter. When you compare this Mode of Examination, with that used on the other Side, I conceive it will not be necessary to use many Words, in order to shew which has the Advantage in Point of Fairness, and in Point of Candour. The Moment this young Man had got into Mr. Pilcher's House, there was an Emissary, one Elizabeth Wells; a Person that had lived Fellow-Servant with him in the Family of the Captain, who could not be kept out of the House: That is the Account given by Mr. Pilcher, who is, I hope, at least, a Witness of as good Credit as any Servant that lived in his House—that he positively says, and the Fact is proved by two Witnesses who were at that Time resident in the Family, that Elizabeth Wells used to be coming to the House frequently: The Man says he was a free Man in the Service of Mr. Pilcher—he was no Slave, and I believe the Gentleman don't suggest that he was. He told him she was continually coming plaguing him, that he could not get rid of her, and that he could not help her coming.

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The Fact however was, that she did not come, and it produced a very extraordinary Effect; he quits the House of his Master without any Notice; he elopes from the Family, and till four Days after; he knew nothing of what was become of him; at the Conclusion of those four Days he receives a Letter from Mr. Gillam Mills, a Surgeon, at Greenwich, containing an Affidavit of Webb, contradicting the Evidence he had before given.—That is a very extraordinary Case.—How came that Examination? was there any Clergyman or Gentleman that took an Examination from him, in order to know what could produce this?—They don't suggest such a Thing—Mr. Gillam Mills I don't know—he may be an honest Man, and there may not be a single Exception to his Honesty as far as I know—I protest I think his Conduct in this Business is very extraordinary—How he has been led into it—What Prejudice he may have entertained—What Notions of Humanity—What Supposition that the Party was injured whom he might do right or do wrong, in order to attempt to right her, I cannot tell; but that the Conduct of that Gentleman has been very wrong. I do submit to the Court from the Evidence in this Cause, there is something very like a *Suppressio veri* in his Deposition, if not an absolute Falsehood.

The Account given by Mr. Mills, in his Deposition is, That sometime in the Month of July 1785, this Man came to him and told him what had passed, what Sort of a Deposition he had been induced to make, that it was all false, and so on unquestionably. The Impression that Mr. Mills intends to make by this Deposition, is this, that the first Time this Matter came at all to his Knowledge, at least upon any Application from John Webb, is upon the Application to him at Rochester.

ter. Now, Chthurch the Turner, who went about upon these Messages, proves that he was sent to Rochester, in order to bring this Witness to Greenwich to be examined by Mr. Gillam Mills.—There is exactly the same Kind of Suggestion in the Deposition that is made by Elizabeth Wells; she living at her Father's House at Cobham, this Man, her Fellow-Servant, comes to her, and unburthens his Mind, and tells her what a melancholy Story it is, and that he can't sleep in the Night or eat in the Day, because he has made such a Deposition as this.

It is clearly proved, by the Evidence examined by them, as well as by us, that from the Moment he had quitted the Scipio, Elizabeth Wells had been haunting him during the whole Time he was in Mr. Pilcher's House; and we have every Ground to believe she was the Person who enticed him away.—We have proved she was the Person who accompanied him in the Carriage which brought him to London to be examined:—We have proved that Mr. Mills was ready to take him up as soon as the Examination was finished. He immediately interrogates him—What did the Examiner say to you?—What have you said and done? And we have traced out that the Person by whom he was supported, and supplied with Money, is Mrs. Smith, the Mother to the Party in the Cause; and they don't deny that they boarded him and secreted him, and sent him about from one Place to another, under a Suggestion that he was to be trepanned by Captain Inglefield. He had no Ideas that he could possibly be induced to give a different Account of what he had related—a Conduct, shewing a more complete and absolute Confidence in the Truth of the Case, and troubling himself no more about it. I submit there never could have been.

Under all these Circumstances, I contend that this bold Attempt, made in order to make this Man contradict his Evidence:—And I do say, under all the Circumstances of the Case, this Attempt they have made has not succeeded; but to obtain the Contradiction of it, that it leaves that Evidence upon the Footing upon which it stood before, namely, upon the Evidence given by John Webb, supported in the Manner that it is.

I do submit to the Court, that that proves our Case, added to the ocular Demonstration of the Captain himself, which he informed Mrs. Inglefield of, and which she does not care a single Farthing about; but defies her Husband;—for that is really her Conduct in this Business; taking the Whole of this Evidence together, it appears to me, to afford a complete Ground for you to pronounce a Sentence of Separation, in order to avoid the Sentence of Restitution prayed in this Cause, and under the whole Circumstances of the Case, that I do hope will be your Judgment.

DR.

DOCTOR SCOTT.

S I R,

I Am likewise to submit to you, such Observations as occur to me upon the Evidence and Arguments that have arisen in this Cause, which is an extremely unhappy Cause.—It is a Suit of Restitution brought by a Lady against her Husband; to which a Justification is set up by her Husband, and the Effect of your Sentence will undoubtedly be inadequate to restore the Peace and Happiness of these Parties:—It is for you to determine upon the Evidence, what Provision the Law in this Case makes, let that Provision be ever so inadequate.

The Libel given in on the Part of the Lady is in the common Form, pleading a Desertion in the Husband: Our responsive Allegation stated a Variety of lewd Acts, and pleaded in direct Terms the Fact of Adultery itself.—If that should be proved, there can be no Doubt but a Separation must take place.

Captain Inglefield might have sued originally, and would have been intitled to it; but he is equally intitled in the Manner in which he now pleads it as responsive, and by Way of Defence, in Case the Facts which he pleads are properly substantiated. If you are of Opinion that he has proved Adultery, either directly, or that he has proved Acts from whence a Presumption of Adultery will necessarily arise, that the Law will conclude Adultery; then you will not only approve of what he has done, in retiring from Cohabitation with his Wife, but will interpose your Authority to give a Sanction to it in the future, and to establish an effectual Separation between the Parties.

Sir,

Sir, after perusing this Evidence, I can certainly have little Hesitation in declaring, that no direct Fact of Adultery is proved absolutely. — If I were to assert the contrary, I should not expect to be heard with much Patience by the Court, standing in Contradiction, as I must then do to the Proofs exhibited in the Cause. — But in how many Cases which come before the Court in Suits of Restitution, where Adultery is set up as a Bar, or in Suits originally instituted for a Separation, by Reason of Adultery? — In how many Cases is it, or rather in how few Cases is it, that a direct Crime of Adultery is proved? The Crime itself is of a secret Nature, and legal Presumption is all that the Court in general is enabled to go upon: — Persons are in Bed together, from thence you presume Adultery, or if they are locked up in a Room together, Metaphysical certainly in these Cases is out of the Question, moral Certainty is all that is required. Shew the Parties in such a Situation, as that a grave and a discreet Man will from thence infer that a Criminal Act has passed between them, and you satisfy the utmost Demands of the Law. — If direct Proof was required, it would be absurd to hold out Relief to the Parties in this Nature — Such a Jurisdiction would have no other Effect, than that of loading a Husband with an enormous Expence, and creating a Triumph for the Licentiousness of Wives.

The Questions in this Case are as in every other Case of the same Nature, two.

First, Do the Circumstances of the Case afford such violent and vehement Presumption, that the Law will, from thence deduce a Conclusion of Adultery? And,

Secondly, Is there sufficient Proof of these Presumptive Circumstances? because unquestionably
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if the presumptive Circumstances themselves are not proved, there is an end of the Business: it must be admitted, and without Reserve, that these Presumptions themselves must be established to the Satisfaction of the Court. — But the first Question is this.

Are the Circumstances pleaded of such a Nature, as to lead to the legal inference of Adultery?

That seems to be the proper preliminary Question, because it would be idle to go into the Question of Fact, if the Facts were immaterial.

Therefore the first Question I shall submit to you is, what would be the Determination of the Law upon the Facts stated, if they are proved?

I shall not recapitulate the particular Facts deposed by the Witnesses — they are beyond all Controversy of extremely offensive Species, extremely degrading to the Character of a Woman descended from a reputable Family, brought up in a virtuous Mode of Education, and married to a Man of Character: — They are Acts not merely of passive Debauchery, but of an active and industrious Debauchery, and that in the lowest and grossest Forms.

Now suppose the Facts are proved, what would be the legal Idea necessarily arising from them? — Would they be in themselves equivalent to a specific Fact of Adultery in the Case the Court should be satisfied no Act of Adultery had passed? — Would the Party be legally intitled to his Divorce, on the Ground of these offensive Indecencies?

I shall not go the length of asserting, that he would be intitled to Relief upon that Account.

Unhappy would the Situation of a Man be in such a Case, with a Wife, whose Mind was polluted in the extreme — for no one would pretend to say, that a Woman who has in some unguarded Hour, yielded to an artful Temptation, and sacrificed her
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own Honour, and the Honour of her Husband to such a Temptation—No Man would say, that such a Woman is not infinitely more innocent, is not infinitely more a Subject of Compassion, and infinitely less improper to be a Companion to a Person for Life, than a Woman who exhibits herself in the Character of a Temptress herself, and who has employed such abominable Arts of Seduction, though possibly without final Success; and yet the Law in such Case would probably contemplate the Business in another Light from what the Feelings and the Judgment of an Individual would suggest, because it would contemplate the Facts for a different Purpose.

Nothing short of an illicit Connection between the two Sexes is in Law Adultery—the Adultery of the Mind will not do—the Adultery of the Body (if it may be so termed) unless it be in such a Way as tends to the possible Procreation of Children, is not that for which the Law affords the Remedy of Divorce.—But then, would the Law do Nothing in such a Case as this?—Would the Court be under the unhappy Necessity of sending a Husband, an innocent and virtuous Man, to live with a Woman who was convicted of such abject Turpitude of Mind and Body, even supposing that the ultimate Fact had not passed?—The Ecclesiastical Court would not do it, but would stop its Hand, and not condemn the Husband to live in such contagious Society: it is not for me to say how far its Power must of Necessity be exerted, or that at the Prayer of such a Wife, the Ecclesiastical Court must grant its Monition in such a Case.

The Doctor, who has gone before me says, that Monition has been withheld in the Case of Holmes and Holmes, and that Sentence was afterwards reversed in the Arches.

Dr.

Dr. Calvert. The Court admitted the Allegation, and the Court of Arches reversed it.

Dr. Scott. It certainly comes to the same Point—the Court would not admit the Allegation—it would be idle to do it, if the Court could not grant that Relief, and upon that Account the superior Court refused to admit the Allegation. I am sure if the Ecclesiastical Court is bound to decide whether such Acts have passed, though no Adultery, if such indecent Acts have passed, there is no Court but would wish for that Power which the Ecclesiastical Court would be deficient in, not only with respect to its own Dignity, but for the Purposes of substantial Justice, and for the Conveniences of Mankind; but that is not the legal View of the Case to which I wish to draw your Attention. The legal View of such a Case, I apprehend would be this—not that so much is proved, and that the Matter there ends,—that it is the extravagant Story, that the Doctors on the other Side have contended for,—that it is a Story extremely criminal, but yet not absolutely criminal.—But I apprehend the inference of Law would be, that so much being proved, a great deal more is of Necessity to be presumed—not that these Acts in themselves will entitle the Husband to a Divorce—but that they do in their own Nature, imply that Fact of Adultery, for which a Divorce may be obtained.—Now upon the Circumstances of this Case, is there a Man capable of combining two Ideas together, and deducing a third from them?—Who can suppose that the Parties went so far, and yet that Nothing farther did absolutely pass between them?—that it was her Intention, there cannot be the least Question—that it was not her Intention to inflame her own Passions, and those of the Lad, without going absolutely to the Gratification of those Passions, is contrary

rrary to all Probability—that they had not the same Effect upon him—that these Arts and Temptations were applied, without producing these Effects, is contrary, I am sure, and must be repugnant to the Apprehension of every Man, who hears these Acts described; it is impossible not to conceive, if so much is proved with respect to their Familiarites, Is it possible any Court of Justice which had to determine upon these Facts, would not presume a great deal still lays behind, and that much of that which is not deposed to, is yet to be presumed as having absolutely and certainly passed between them. The King's Advocate did call your Attention to some Authorities upon this Subject, by Way of shewing that the Doctrine for which we contend is, that to which the Law gives its Countenance, namely, that whenever these Sort of Proximate Acts are proved, that the Law for the Purposes merely of Separation, will presume the Fact of Adultery itself:—That it will not do so in a Criminal Case is clear; but that in a Civil Suit, and where the Relief of the Party is sought merely in that Mode, that is a much slighter Degree of Evidence than will serve for that Purpose. I might trouble you, Sir, with a Number of high Authorities to the same Effect. There is an Author of high Credit, in which it is explicitly so laid down, *Muscardus de Probationibus conclusio* 59, he is describing the several Presumptions, upon which the Court will proceed to a Conclusion of the Fact of Adultery. [Reads the Passage in Latin.]

Taking the same Distinction which Minopius is stated to have taken, there is another Writer, who has gone very particularly into this Question, and that is Zanchius, Book 10, Disputatio 4, which is a much weaker Case than this: the Lady was not content with being patient in this Case. He observes,

erves, that some of the highest Authorities in the Civil Law, he mentions Baldarus Decius, and a great Number of other Writers of very high Names; and he pronounces, that the Husband, who parts with his Wife, under these Circumstances, if he has no certain Proof that Adultery has passed, he will be safe in Conscience in receding from the Society of his Wife; and I suppose this, if he is safe in Conscience, he will be protected by the Authority of the Court.

I shall not trouble you with a Number of other Authorities, which occur to me upon the Inspection of the Books, with a View to this Subject; the Result of these Authorities is plainly this; that these gross Familiarities where they are proved, to induce a legal Presumption that Adultery has been committed—that Presumption may be repelled undoubtedly, as every Presumption may; as for instance, suppose the Parties were only once together, and it was proved, that at that Time, the Fact of Adultery could not have passed.—However, that is not the Description of the present Case, because, the Party lived here in Society, for a very considerable Length of Time, the Opportunities were extremely frequent, and the Inclinations at least of the Parties, is established beyond all Contradiction. It may be said in this Case, that the legal Presumption could not operate; because, the very Witness upon whom you rely the *Particeps criminis*, has deposed to the contrary; but, I believe upon the Grounds which have been already stated, by the King's Advocate, you will not give this Witness credit for what he dissembles, and conceals in the same Degree, and to the Extent as you do, for what he absolutely speaks to.—He may have private Reasons for stopping short; and one cannot be at a Loss for the Suggestion of such Reasons,

sons, as he states it; it is a Case of Merit on his Part of Resistance and Forbearance, taking him to be under the Dominion of his Master, responsible to his Master, and under the Influence of that Degree of Terror, which they represent him to be impressed with:—Is there any Thing more likely than that he should? stop exactly and precisely at that Point, where his own personal Criminality would commence, the Law in such a Case, would not stop where the Witness himself did; but the Law would go a great deal farther.

Suppose that a *Particeps criminis* in a Case of this Nature, was to acknowledge, that he and the Lady had been *nudus cum nuda* in a Bed together; and after that, was to swear he did not commit the Fact of Adultery—would the Court consider that as Evidence?—Would it consider the mere Disposition of the Party, unless accompanied by some Circumstance of absolute Impossibility?—Would it consider his stopping short of the direct Fact of Criminality, as any Sort of Proof it had not been committed, most certainly the Presumption of Law would operate against the Testimony of the Witness, and would be stronger than the Deposition of the Individual?—This then is the Law by which I conceive you will regulate your Judgment in this Case—and that if you are satisfied, that the Variety of lewd Practices actually took place—and that they are proved in the Way we have laid them, though no direct Fact of Adultery was committed, yet you will infer it, and must pronounce a Sentence of Separation in Consequence of it, though there was no Proof of Adultery. It remains, therefore, to proceed into an Enquiry of the Facts of the Case; have we proved them, or have we established the Circumstances of Presumption in the Way, and according to the Rules which legal Evidence requires.

quires. It is suggested in this Case, on the Part of Mrs. Inglefield, in Truth there seems to be two Suggestions, and those not very consistent upon her Part, that this is either a causeless Jealousy upon the Part of her Husband, the mere Phantom of a disordered Imagination, or that it is a most atrocious Conspiracy to get rid of his Wife, and to dismiss her, robbed of her Reputation, and of the Affection of her Friends, by a Slander totally unfounded. That is the Turn which is given to the Defence of Captain Inglefield, as stated in her Allegation—that Allegation expressly states he is a cruel, morose Man—that he is anxious to get released from a Woman, whom he began to consider with Indifference, if not with Disgust; and that he prompted his Slave, by every Practice that could be employed, to destroy the Reputation of his Wife.

The Gentlemen, sensible of the extreme Improbability of such a Charge as that, have endeavoured to soften it; and they seem to me to have totally deserted the Case of their Client, as it appears upon her Allegation; for they make it to be merely an Act of Jealousy on his Part.

Now, is there a Witness examined in this Cause, from whose Testimony you can fairly collect; that it was the Character of this Gentleman, to indulge perverse Suspicions against his Wife:—You have but two Witnesses only, that give the least Intimation of that Sort, that is Betty Wells, and Harris the Coachman; who tell you, that he did occasionally make some Enquiries about the Conduct of his Wife (I shall observe upon their Credit by and by); but, supposing this to be a mere Matter of groundless Jealousy, does not the Improbability strike every Body that considers the Fact?—Is it not the most unnatural Circumstance in the World, that a Man, being of a suspicious Temper, should
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fix upon a Person as the Object of his Jealousy, who, as the Gentlemen themselves acknowledge, and who, as every Body else who attends to the common Workings of human Nature, must admit she would be the very last Person to fix it upon?—What is the Character that almost every one of the Witnesses gives the Parties?—That they were a happy Couple—that he treated his Wife with Tenderness and Affection. His mind was open to such jealous Crotchets as these, could they be described, as living in a constant Intercourse of Conjugal Happiness;—If that was the Case;—If he was a Man of that Disposition, from which such a Charge as this must have originated, you must have heard of it even from the Servants; it must have been breaking out in Complaints, Remonstrances, and Suspicions, betraying themselves to every Body about him.

As to the Proposition, there is something so monstrous in it, that this was a foul Conspiracy formed by him against his Wife:—The very Idea terrifies one.—Is there any thing in the Evidence that gives the slightest Colour to it? Look at the Character of this Gentleman; take it from their own Witnesses: I am sure, if any Man in this Court had occasion to claim an amiable Character, he could not take a better Method than employing of the Words that came out of the Mouth of the Witnesses produced against Captain Inglefield:—You have no Exception to this; but the two Witnesses, who are Betty Wells, a very active and industrious Agent throughout the Whole of this Matter; and a Mrs. Hodgson; and the Effect of what they say, when considered, is so extremely frivolous and trifling, and so qualified by Exceptions and Reserves, that they cannot be considered as differing in that
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Respect from all the other Witnesses who speak to that Particular.

The Letter which has been read in this Cause, and upon which the King's Advocate has so fully observed, furnishes another very strong Contradiction.

Mr. Inglefield is no Volunteer in this Business. Does he drag his Wife into Court upon a Charge of this Nature, after having industriously propagated the Report of her Infamy?—No such Matter; on the contrary, it appears by that Letter, that he himself was not at all disinclined to conceal her Dishonour, till that was disclosed to the World.

The Proposal of a Reference, or rather of an Examination by Friends, is likewise another strong Evidence, that the Intention of Captain Inglefield was not what has been imputed to him. It was said to be a Compromise, and that it was prudently declined in this Case of a Person who wishes to submit her Cause to the Investigation of a public Court of Justice; but the Proposal was not in the Nature of a Compromise between the Parties: it was simply, that the Person who is the main Pillar of Evidence in this Cause, and upon whose Testimony it must in a great Measure be ultimately decided, that he should undergo a fair and candid Examination by the Friends of both Parties; and that upon his Examination it should be submitted *Arbitrii bona veri*, not to establish a disgraceful Compromise between them; but that those Friends should take the Deposition of that Witness, make that Sentence which you are now called upon to do, for the one Party, or for the other.

But what is decisive in this Case, and Proof that it could not be that Conspiracy which it was said to be, for Captain Inglefield must not only be the worst, but the weakest of Mankind, if you can believe

lieve him to be a party to it, for he not only selects the most improbable Instrument for the Purpose; but he gives this Instrument only Half his Lesson; he is to tell him a Story, which, according to what the Gentlemen insist, would not be effectual for the Purpose he is called upon to support; if it had been his Intention to get rid of his Wife, would he have stopped half Way? You might just as well say, if he wanted to convict his Wife of Felony, he would direct her to be indicted for a Breach of the Peace; as that he, meaning to get rid of his Wife, should choose to put into the Mouth of a Person whom he employed for that Purpose—a Story which would not procure any Credit—that carries its own Confutation with it—that there was therefore no Fraud, no Conspiracy in this Case on the Part of Captain Inglefield, is proved in every Part of the Cause in his Conversation with Webb.—Is there any Thing that can induce the Court to believe that he himself was not serious in the Charge that he is now supporting; and that he was with great Uneasiness, pursuing a serious Enquiry into the Conduct of a Woman he loved. It has been said, “Why were “not these Enquiries made at Singewell”.—Is it at once that a Man brings himself to disclose the Turpitude of his Wife?—It is at once; and upon the first Indications, that he publishes this Matter to the World.—It is a very delicate Ground how a Man should act upon the first Discovery of those Suspicions which are planted in his Mind; the natural Way is to remonstrate with his Wife which this Gentleman has done; and he has done it in very

* Captain Inglefield must know, that if he had prevailed on him (which he in vain, as the Black says, attempted) to have said he had committed Adultery with me, he could no more have proved that than the rest of his Assertions, therefore would be no nearer justifying his Plea for deserting me than before.

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warm Terms, and to wait till they can be substantiated by some Evidence upon which he can rely; merely to throw out Suspicions, which at the Time of throwing out, he is incapable of supporting to the Satisfaction of the World, would be a Conduct which could not be expected from any Man of good Sense. In what Manner does he apply to the Witnesses? — Is it a Money Business? — The Gentlemen don't pretend to assert that it is a Business in which Bribery has been employed. — Is it a Business in which Promises of Preferment have been made, in which Application to Hopes of any Kind are addressed? — Nothing of that Sort is suggested. There is one of the Witnesses says, that Captain Inglefield would give him ten Guineas if he would have gone out of the Kingdom; but Webb himself, when he is examined, says Nothing of that Circumstance; and I should hope every Circumstance that appears upon the Depositions of the other Witnesses here, as spoken to by Webb, if those Circumstances do not appear upon the Examination of Webb himself, they are not to be considered as composing any Part of the Evidence in this Cause, but, in Truth, confutes the Evidence itself.

If it was material to Captain Inglefield to get rid of this Man, Nothing can be clearer than this, it was his own spontaneous Act that he was ever delivered out of his Possession, he unquestionably had Power enough to get rid of him in the Manner here suggested, without any Application of Money for that Purpose, but his not having done so, but dismissed this Man to take his Range at large*,

* Captain Inglefield had Power to procure Webb's Dismission from his Service, as Sailor, but had no Authority to send him from England: When his Captain discharged him from the Ship, he provided a Place for him under his staunch Friend Mr. Picher. — Let the Reader here weigh every Circumstance, and then determine whether he was dismissed, "to take his Range at large."

after he had given his Evidence, must apply itself with double Strength to the Conviction of every Man who hears it; that he had no other view in this Business than a proper Investigation of Truth. Nothing can be more clear than the Character of Captain Inglefield stands, it is clear and unfulfilled in this Business; there is not the least Reason upon Earth to believe that he himself felt, though it has throughout the Whole of this Business been felt, that there is a Wickedness undoubtedly in the Cause; but that Wickedness is not with him; there has been a Wickedness with Respect to Webb, he undoubtedly is perjured in the one Deposition or the other; if his first Deposition be true, there is a Degree of Wickedness elsewhere.—There is that Degree of Misconduct in Mrs. Inglefield as will entitle her Husband to a Separation from her.

The principal Witness in this Case undoubtedly is Webb; he is a *Particeps Criminis*, and they are always to be heard with some Distrust; any Person must be treated so who has totally contradicted himself, and therefore must be considered as a Man that is perjured. But the Gentlemen have themselves insisted, that he is a Witness not to be thrown aside: If the two Depositions tell a Story that is absolutely contradictory, one of these must necessarily be true; and the Province of the Court, in this Case, is to weigh the Credibility of these Depositions, to oppose the one to the other, and see how far each is confirmed by collateral Evidence; and from thence to judge of the total Effect of the two.

That a Witness coming into Court to deliver his Testimony, is to be presumed to speak the Truth, speaking under the Sanction of an Oath, is an universal Maxim of Evidence; that he should come again for the Purpose of contradicting himself, is a Liberty not likely to be permitted, nor, as I should conceive, can it be permitted for any other

other Purpose than that of explaining what Credit is due to him; that his latter Deposition can be made Use of for any other Purpose, or as containing the Truth of the Business, and as that upon which the Court can at all found itself in the Sentence to be given in this Cause; that is a Use of the Evidence of a Man contradicting himself, which I presume cannot legally be made; all the Effect of that Evidence will be to weaken the Credit which would be otherwise due to his first Testimony; but that it should itself be taken for Truth, or admitted as Evidence of the Reality of the Facts which it asserts, I submit to you is not consistent with any Principle of Evidence. Now Sir, you will be pleased to observe, with Respect to the Credibility of these two Depositions, the different Way in which these Examinations have been taken; and if it should appear to you, upon the Circumstances which accompany these Examinations, that one was the fair and the free Deposition of the Party, speaking spontaneously and without Constraint—if it should appear to you, with Respect to the other Deposition, that here has been a Person practised upon by a Combination of Individuals to extort a Retraction from him—if it should appear to you to be the State of the Case, I apprehend that you will have no Difficulty in deciding which of these Depositions is entitled to the greater Credit.

The Party was first examined by Mr. Inglefield; upon that Examination, as a Matter passing between the Parties themselves, I shall not lay much stress, but consider the subsequent Examinations, and the Manner in which they were taken:—Was he at this Time in the Custody of Captain Inglefield?—Captain Inglefield was absent during the principle Examination in this Case:—Was he in the Hands of Persons linked by private Confederacy

racy with Captain Inglefield? or was he in the Hands of Men to whose Honour and Purity of Character no Exception has been taken?—Was he examined by these Gentlemen in a light Manner? or, was he examined under every possible Application to his Conscience, from the Impressions of Religion, that could be employed for the Purpose?—It is most clearly proved, by the Testimony of every Gentleman that attended that Examination, that this was the Case. — The Impression which it made upon these Gentlemen at the Time, is very material; the Appearance of the Person, all the Circumstances attending the Examination are material, as to the Degree of Credit to which he is entitled

In Cases where a Party makes a contradictory Affidavit, it is stated to be the Practice of the Court of Chancery,* that the Man should be personally produced, and be examined *viva voce* by the Court. It is so expressly laid down in second Vezey, in the Case *ex Parte* Lloyd, for the Purpose of having the Benefit of immediate Inspection; an Advantage, which in this Case, these Gentlemen were possessed of.

Much Use has been made of the Manner in which Captain Parker delivers his Evidence upon the Cause.—It has been said, that though the Boy spoke very fluently and artlessly, that is the Account given by every one of the Witnesses, and they speak of that as the Foundation of the Conviction which it operated upon their Minds, yet,

* I much wish this Practice had been adopted in the present Cause, the Black would then have related many Circumstances he had told to the other Witnesses, which, from the secret Manner in which Witnesses are examined in the Ecclesiastical Courts, did not come to the Knowledge of my Counsel sufficiently early to examine, by Interrogatives, Webb upon.

when

when he came to take the Oath, that he hesitated, and betrayed Reluctance.

Supposing that Fact to be true, was any Thing more natural, or more easily to be accounted for? If what we contend to be the Case in this Instance was actually the Fact, namely, that he had committed Adultery with this Lady, and that at the Time he was making a Confession in which he told the truth, but not the whole Truth, was any Thing more natural, than that he should betray that Reluctance which is imputed to him? But you will be pleased to observe what is the Effect and Impression which his whole Examination had upon Captain Parker:—He says, that by this Examination he was very much prejudiced against the Ministrant. Why if Captain Parker supposed this to be an unfair Examination, and that this Oath, which the Man took with such apparent Reluctance, was all a Falsehood, as they would collect from the Evidence, how could it have produced any such Effect upon him?—Instead of being prejudiced against the Ministrant, he must have been prejudiced directly the contrary Way; he must have felt that Resentment, which every Man would do upon such an Occasion, at seeing such Arts employed by any Husband to the Disadvantage of his Wife*.

Sir, this Negro Servant afterwards discharged,

* Whoever will examine Captain Parker's Evidence (see Appendix) must understand that Captain Parker was prejudiced against me at the Time the Examination at Mr. Pilcher's took place; but, when Captain Parker was giving his Evidence at the Commons, he says, *now*, he sincerely believes, &c. this unquestionably means the Time he was giving his Evidence; hence it is clear, that in the Time that passed from the Examination at Mr. Pilcher's, to the Instant that Captain Parker made his Deposition in the Commons, the Opinion he first entertained was altered.

and set in a perfect state of Liberty ; the Effect of that upon the Case is certainly extremely weighty ; that he was not kept in any Sort of Custody—that he was not detained, in Order to be produceable just whenever the Purposes of Captin Inglefield might call for his Production, he is sent up, not into Custody for private Examination, but sent up by himself.

The subsequent Declaration in this Case, which he made to a Variety of Persons, are not immaterial : You find him, upon an Interrogatory, acknowledging to Ann Fisherton, that what he had said about his Mistress was true ; you find him acknowledging to Sarah Litchfield, another Witness, that what he had said about his Mistress was true ; Were these Persons in this Confederacy ? — Was it necessary for him to be persisting in this Story to all the World ? — You have him telling the same Degree of Evidence to a common Taylor, whom they have produced in this Business, Mr. Thompson : — He says, that the first Account which he gave of the Matter to him was, that what he had said, respecting his Mistress, was founded in Truth.

Now, how far is he supported ? — For certainly his Credit does stand upon such a wavering Foundation, that I should not think myself warranted to contend that he was a Witness upon whom, singly, the Court would ground a Sentence.

You have had stated to you in the Depositions of Mr. M^cCarthy and of Mr. Feattus ; I shall not recapitulate them, as I can add Nothing to the Effect of the Observations which have been made upon them. — Certainly the Situation which Mr. M^cCarthy describes, of a Servant shut up in a room with a Lady, the Door fastened on the Inside,

side *, for that is the material circumstance which corresponds with what one finds in all the old Books that one rummages upon these Occasions; but, without Recourse to Books, the common Understanding of Mankind will suggest that that is a Circumstance pregnant with Suspicion: — The other Circumstance, deposed to by Mr. Feattus, that she should select him to be her Errand Boy, while she detained the Black in her Bed Chamber with her, and this for the Space of some Minutes, does seem to be a Fact of a very extraordinary Nature †.

There is another Piece of Evidence in this Cause, which I know I am not entitled to use, but which the Court, in a Case of some Nicety and Difficulty, will naturally resort to, and that is the Answer of the Parties upon Oath.

I don't pretend to say, that the Answer of Captain Inglefield can be stated by us, but the Court will look into it, and will see what has been the Feelings of the Husband's Mind upon this Occasion; the Court will see whether Circumstances, to which alone he was Witness, have not

* M'Carthy says, " the Door was fastened," — I know Nothing of the Transaction deposed to, but can easily conceive, and I trust my Readers will allow, that the Door might, by me, by the Black, or by its own Weight, or Wind, be shut too, and thereby fastened on the Inside without any particular Meaning: If he had sworn that he heard me, or the Black, bar, button, lock, or bolt the Door, such Evidence might have born the Construction the able Advocate wishes to inforce.

† Extraordinary as this Fact may appear to Dr. Scott, I believe he will find on enquiry that it is no unusual Thing for an Aunt to bid her Nephew, about twelve Years old, to run down Stairs and fetch a Key, &c. &c. &c. If I had wished to have sent the Child (I beg Pardon, the young Gentleman) out of the way, for the Purpose Captain Inglefield's Counsel insinuate, it is more likely that I should have sent him down Stairs without assigning any Reason, than that I should have sent him with a Message that would occasion him to return almost immediately.

been stated by the Party upon Oath; and which would extremely well justify, even if he was not supported by external Evidence, his Resistance to the Allowance of Allimony to his Wife.

Now, how is this general Evidence of Webb, M'Carthy, and Feattus repelled in the present Case?—The Gentlemen say, the general Character of the Lady repels Suspensions upon this Occasion: God knows; general Characters may have some Weight; but we know, there must be some Period at which Innocence ceases, if it ceases at all:—The greater Part of Mankind don't set out originally bad, but yield by Degrees to Temptations, to the Impulses of Passions, which grow stronger and stronger.

The Doctor has complimented my Client upon his Person, at the Expence of his Understanding and Principles; that he is a very elegant Person, and therefore that is not likely; we know very well, *Diversibus non est Disputando*, it is no uncommon Thing to leave celestial Food and pray on Garbage; and the Experience that this Court affords us, shews that Desdemonas of this Species are not very uncommon:—Upon what Principles Ladies proceed, whether upon Foote's Maxim, "That a good Gallant cannot be of a bad Colour,"—whether it is curiosity, or, what is not for me to say—certainly it is, that Instances of this Sort are not at all uncommon.

The Circumstances under which his second Deposition has been taken, afford a very striking Contrast to those under which his first Deposition was taken. If ever Custody of a Witness was proved, and that of a very gross and impure Kind of Custody of this Lad is proved under pretence * that

* Upon what Grounds these Pretences, as they are called, are founded, may be seen in Mr. Mills's and Mr. Cochran's Depositions. The Charge of Custody is fully refuted by Mr. Mills, in his Letter, in the Appendix.

there was an Intention, on the Part of Captain Inglefield, to trepan him, which has not the least Foundation in Point of Fact, because Captain Inglefield had actually dismissed him; and therefore to suppose that there was an Intention in Captain Inglefield to detain him, is a Sort of Excuse and Justification which is set up, but which cannot apply at all to the present Case.

You find, that for his Examination, he was brought up in this Custody, and even in Circumstances that are a little extrinsic to the Business; he appears to have lost that Reverence for Truth, by which his first Examination was dictated, for he is materially contradicted.—He says, in Answer to an Interrogatory, that there was no Conversation passed between Mr. Mills and him, respecting his Examination*.—Now, if you look into the Evidence of Mr. Mills himself, you will find that Conversations did actually pass, and passed at a very improper Time; that Mills enquired of him in the Post Chaise, what the Examiner had asked him; and that he made a Discovery of what had passed upon his Examination.

The other Circumstance which has been pointed out, namely, that he swears that he was not at Liberty on board the Ship, is fully and effectually contradicted by Lieutenant Brett, who proves that he was, at that Time, in the actual, absolute Enjoyment of his Liberty; was free to go where he pleased, and to say what he pleased, upon that or any other Subject whatever.

* On looking into Mr. Mills's Evidence (see Appendix) the Reader will find, that the Conversations here alluded to, and which actually did pass, passed *after the Black had been examined*; he could not swear to what had not happened, therefore truly deposed, that there was no Conversation between Mr. Mills and him respecting his Examination.

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In short, none of the other Witnesses in this Cause are in the least very material, as to any Conversation they may state, which he does not depose to; no Part of those Conversations, as I have had Occasion to observe before, compose any Part of the present Evidence:—But when you see throughout the Whole of this Business, on the Part of Mrs. Inglefield, such Precautions used as are inconsistent with the fair and free Investigation of Truth—when you see such Instruments employed, as are materially affected in Point of Credit, and I am sure the King's Advocate has shewn that Mrs. Wells, the principal Agent, and one of the principal Witnesses in this Cause, is very considerably diminished in Point of Credit—when you consider the whole Effect of the Depositions, not only the Depositions of Webb, but of his Examinations before Gentlemen of undoubted Character, who took every possible Method to extract the Truth from him, with a perfect Indifference between the one Party and the other, and surely without any Intention to abet so foul a Conspiracy as this is pretended to have been—without troubling you any farther, and leaving you to the Observations which the King's Advocate has stated so much more forcibly than myself, I hope you will see abundant Reason to pronounce that there is such Proof of approximate Acts, as will amount to a legal Presumption of Adultery, and that legal Presumption of Adultery will necessarily lead to that Sentence we pray, of a Separation between the Parties.

Immediately Doctor Scott had finished his Speech, the Court adjourned to Saturday, July 22; on this Day it was expected that my Counsel would

would have replied to Doctors Wynne and Scott, but directly after the Judge had taken his Seat, he turned to Doctor Harris and said, " Doctor Harris, " I will not trouble you with a Reply ;" and then he proceeded to award a Decree agreeable to the Prayer made by my Counsel.

The Court not admitting Doctors Harris and Compton to answer the King's Advocate General, and Doctor Scott, is an unequivocal Proof that what those learned and eloquent Pleaders had advanced, did not affect the Evidence and Force of Reasoning adduced by Doctors Harris and Compton.

In the Arguments of Captain Inglefield's Counsel are many Deductions favourable to their Client, drawn from what the learned Gentlemen presumed to be Facts ; several of these supposed Facts, with their Inferences, I have thought proper, in Justice to myself, in Notes, to refute ; least, suffering them to pass unnoticed, they might impress on the Reader, Ideas injurious to me and my Cause :— This Measure would have been totally unnecessary, from the superior Judgment and Reasoning of my Counsel, had they been admitted to reply.

The Reader having perused the foregoing Pages, I shall submit a brief Recapitulation of the chief Matter recited, to his Consideration.

The Suit was instituted by me against Captain Inglefield ; in Justification, he pleads, that during a Course of many Months, I practised the most nauseous Indecencies to seduce his black Servant, John Webb, to commit, with me, the foul Crime of Adultery, the which I had been guilty of several Times with him, at Singlewell, and on board the Scipio, in Chatham River ; that I took every Opportunity to be alone with him ; and, in a Letter produced in Court, asserts, the Boy was the
Joke

Joke of the Kitchen; and that one Night, when in Bed, I rang the Bell, when the Maid came, I said, I do not want you, send me Jack.

To substantiate these Charges, John Webb is produced, who, in an Examination taken at the Commons, on May 25, 1785, confirms every Part of the indecent Practices alledged against me, except Adultery, this he positively denies ever to have been guilty of: To strengthen his Evidence, the Depositions of M'Carthy and Mr. Feattus are taken; the first to a transaction said to have passed on board the Ship, at Chathan; the latter to a Fact that took Place at Singlewell.

To establish my Innocence, I produce the Black, who, in an Examination at the Commons, on July 26, 1785, flatly contradicts all he had sworn against me on May 25, and deposes, he believes me to be a virtuous and chaste Woman.

Eighteen Witnesses are examined to my Character (eight of whom lived in my House with Webb) all give me and Captain Inglefield an unblemished Character, two only excepted, who speak unfavourably of him: The Servants (eight) attest that they never saw, or suspected, the least unbecoming Behaviour between me and the Black. The Maid, who came on ringing the Bell, admits that to be a Fact, but solemnly affirms I never mentioned Jack; between whom and me she never saw, or suspected, the least improper Conduct.

At this Stage of the Proceedings, Captain Inglefield threw in fresh Allegations; the Principal of these alledges, that Mr. Mills and Elizabeth Wells had entered in to a Conspiracy, to defeat the Course of Justice, and had artfully and wickedly prevailed on Webb to go before a Magistrate and perjure himself, by swearing contrary to a former Deposition; and that Mr. Mills and Elizabeth Wells, actuated

actuated by Hatred and Malice, would wilfully forswear themselves, and suborn others to do the same.

The only Witness produced to give a Colour to this Allegation, is Mr. Pilcher, who deposes, " That during the Time Webb lived with him, " Wells came frequently after him, and he, the " Deponent, spoke to the said John Webb about " it, who said, he could not help it, he did not " want her, but she was always coming after him, " and plaguing him," or he expressed himself to that Effect; Mr. Pilcher further says, " that Wells " has the Report of being a Person of a light " Character."

In Opposition to this single Witness, it is in Evidence, that Wells is a Girl of a good Character; that she was seen several Times at Mr. Pilcher's, but never heard (or any one else) to use any Threats, or attempt to persuade the Black to contradict what he before had sworn.

There are seven Witnesses depose, the Boy made his Confession, of having sworn falsely against me, voluntarily and unsolicited.

No Attempt is made to support the Allegation against Mr. Mills; two Witnesses subpœned by Captain Inglefield, and one who voluntarily appeared for me, represent Mr. Mills as a Gentleman of the most respectable Character. Mr. Mills would not admit any more Witnesses to be examined to refute the Allegation against him, saying, " That besides being in itself unnecessary, " it would give an undeserving Consequence to so " weak and malicious Attack on his Character."

I must observe on the extrajudicial Examinations, that I am satisfied the Gentlemen who assisted therein, acted from that Temporary Conviction which Webb's Tale flashed on their Minds.

Having

Having laid before the Public the Charges against me, and my Defence, I have compleated every Measure that laid with me, to re-establiſh my Reputation. I return my moſt grateful Thanks to the many Friends and Witneſſes who have favoured me with their Advice and Aſſiſtance, and beg Leave to aſſure them, that the Recollection of their kind Support is among the moſt powerful Means to reſtore (if poſſible) a Conſtitution almoſt dragged to the Grave, by ſevere and unmerited Affliction.

APPENDIX.

SEPTEMBER 14, 1785.

Mr. Samuel Gillam Mills's first Deposition.

Samuel Gillam Mills, of Stockwell-Street, Greenwich, in the County of Kent, Surgeon, aged Thirty-eight Years, and upwards, a Witness, produced and sworn.

1st. **T**O the first Article of the said Allegation the Deponent saith, he has known Ann Inglefield (Wife of John Nicholas Inglefield, Esq;) the Producent, for five and twenty Years last past; that he knew Mr. and Mrs. Smith, the Father and Mother of her, the Producent, who lived and resided at Greenwich, and were Persons much respected by those who knew and were acquainted with them; he visited them, and attended them professionally; he saith, his Knowledge of Captain John Nicholson Inglefield, the other Party in this Cause, is very slight, he has been in his Company occasionally, but his knowledge of him is not sufficient to form any Judgment of his Disposition and Temper; the Deponent further saith, after the Marriage of the Producent, he continued to visit her in his Profession as Surgeon and Apothecary; and he well remembers,

remembers, on Christmas Day last, he was sent for to the Producent, who was then at her Mother's House, at Greenwich; she was then ill, and in a very low State of Body, which appeared to have been brought on by fretting; he, the Deponent, gave such Medicines as he judged proper; and the Producent then confessed to him, the Deponent, the Cause of her Indisposition proceeded from Grief; that Captain Inglefield and she had parted; or, she expressed herself to that Effect; and further, to the said Article of the said Allegation, he knows not to depose.

2d.—To the second Article of the said Allegation the Deponent saith, the said Ann Inglefield, the Producent, was religiously and virtuously brought up and educated; he used to sit in the same Pew with her at Church; that she always appeared to him of a modest, chaste, and virtuous Disposition and Behaviour, and verily believes she was always respected as such by all who knew and were acquainted with her; that he had every Reason to think her a tender good Wife, for when she heard of her Husband being cast away and lost in the Centaur, she took on so much it occasioned a severe Fit of Illness, of which he attended her; and further, to the said Article of the said Allegation, he knows not to depose.

3d.—To the third Article of the said Allegation he knows not to depose.

4th.—To the fourth Article of the said Allegation the Deponent saith, he had no Knowledge of John Webb, articulate, nor ever saw him till the Month of July last; and further, to the said Article of the said Allegation, he knows not to depose.

5th.—To the fifth Article of the said Allegation the Deponent saith, as by him pre-deposed, that on Christmas Day last past, he visited the Producent,

at

at Mrs. Smith's, her Mother's, at Greenwich afore-
 said, who was then very much indisposed, which
 Indisposition, as he thought, proceeded from fret-
 ting; and the Producent then confessed to him,
 that was the Cause; and he further saith, he well
 remembers, the Producent, on that Day, or a Day
 or two afterwards, shewed him two Letters she
 had received from Captain Inglefield, her Hus-
 band, wherein he said, he had discovered, from
 an anonymous Letter he had received, which had
 confirmed, but too well, what he had had Rea-
 son before to suspect; that she, the Producent, had
 carried on a lewd and improper Intercourse with
 her black Servant, John Webb; and also, that one
 Night, in his Absence, that she, the Producent,
 had rang her Bell, and when the female Servant
 went, she told her it was Jack, meaning the Black,
 she wanted; and that the Black bore the Jokes of
 the Servants about it; or, the Letter the Deponent
 saw, contained to that Effect; and further, to the
 said Article of the said Allegation, he knows not to
 Depose.

6th.—To the sixth Article of the said Allega-
 tion, and to the Papers, Writing, or Exhibit therein
 pleaded and propounded, and marked No: 1, the
 Deponent having carefully viewed and perused the
 same, he saith, he verily believes it to be the very
 identical Letter that was shewn him by the Produ-
 cent; and he also saith, that since the Commence-
 ment of this Suit, he has received three Letters
 from Captain Inglefield, as to him, the Deponent,
 interfering in this Cause, on behalf of the Produ-
 cent; and, from the Similitude of Hand-writing,
 he verily believes the whole Body, Series, and Con-
 tents of the said Exhibit, to be the Hand-writing
 of the same Person as the Writer of the Letters he
 so received, which were signed with his Name and

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Initials,

Initials, J. N. Inglefield, in Manner as appears to the said Exhibit; and further, to the said Allegation or Exhibit, he knows not to depose.

Samuel Gillam Mills.

The same Witness, on the Interrogatories

1st.—To the first he answers, he is a Surgeon, and lives, where all his Life he has resided, at Greenwich, in the County of Kent; that he is supported by his Profession; that he is neither indebted to the Producent, nor she to him, nor is he under any Sort of Obligation to her; that he has not received, been promised, or does he hope or expect to receive any Reward, Gratitude, Present, or Satisfaction for giving his Evidence in this Cause; he saith he is employed now by the Producent, professionally, when necessary, and saith Elizabeth Wells, his fellow Witness in this Cause, is now in the Service of the Producent; and further, to the said Interrogatories, he knows not to Answer.

2d.—To the second he answers, he has not had any Meeting or Consultations with the Producent, or any Person or Persons on her Behalf, and in Order to settle what he should depose, or avoid deposing in this Cause; and further, to the said Interrogatory, he knows not to answer.

3d.—19th.—20th.—To the third, nineteenth, and twentieth Interrogatories he knows not to answer.

The same Witness, on Additional Interrogatories.

6th.—To the sixth additional Interrogatory he answers, he confesses himself to be the principal Adviser

Adviser of the Producent, respecting this Suit; that after the Ministrant had deserted his Wife, the Producent, she consulted with the Respondent as to what Steps he would advise her to pursue, to regain the good Opinion of the Ministrant; and at the same Time assured the Respondent she was perfectly innocent; and that the Accusations alledged against her were groundless, mere Jealousies, and without the least Foundation: The Respondent, from having known her and her Family so many Years, and having no Doubt of the Veracity of the Producent, advised her first to apply to the Ministrant's nearest Relations, and get them to solicit and remonstrate with the Ministrant on her Behalf; and, if that had not the desired Effect, her only Resource would be, to apply to the Ecclesiastical Court, there to institute a Suit of Restitution of Conjugal Rites; the Respondent also saith, he took upon himself the Trouble of writing two Letters to the Ministrant, to endeavour to bring about a Reconciliation, and that this Business might not be exposed in a public Court; he further saith, he received Instructions necessary for drawing an Allegation on her Behalf; and he acted as her Amanuensis in committing them into Writing for her Proctor; and he further saith, he hath several Times attended and consulted the Producent's Proctors, respecting this Cause, and advised them relative thereto; and he saith, he hath no other Reasons for having done so, than from Friendship to the Producent, and conceiving her to be an injured Woman; and further, to the said Interrogatories, he knows not to answer.

7th.—To the seventh he answers, as by him answered to the next proceeding Interrogatory, but never reported the Ministrant shrunk from a public Investigation; and further, to the said Interrogatory, he knows not to answer.

8th.—To the eighth he answers, he did write a Letter to Commodore Bowyer, for the Producent to copy, desiring he would order John Webb, the Ministrant's black Servant, to be put into the Hands of Mrs. Inglefield; and he saith, his Reason for so doing was, the Producent was not then collected enough, owing to fretting, to arrange her Ideas properly; and also, Captain Inglefield having before had the said John Webb examined before a Magistrate and a few of his Friends, and not suffering the Producent at that Time, as she requested, to confront him, but keeping him the said John Webb away, appeared to him, the Respondent, as though there was some foul Play at the Bottom; and that the Black aforesaid, before his Master, his Friends alone, and a Magistrate, might, from his Ignorance of an Oath, have a Confession, of an improper Correspondence with the Producent, extorted from him; he therefore thought the only Way to get the said John Webb re-examined, before a Magistrate, before the Producent and her Friends, would be by a Letter to Commodore Bowyer, who was Commander in Chief at Chat-ham, ordered the said John Webb to attend, but which Letter had not the desired Effect: The Respondent also saith, after this Suit Commenced, the Ministrant did propose John Webb aforesaid should be examined at Greenwich, before an equal Number of Friends, which Proposal was refused by the Producent, on these Grounds: having instituted a Suit of Restitution against the Ministrant, if she then withdrew it, it might appear to the World she had been criminal with the said John Webb; she therefore chose to abide the Consequences of the Suit; and further, to the said Interrogatory, he knows not to answer.

9th.—To the ninth he knows not to answer.

10th.—To

10th.—To the Tenth Interrogatory he answers in the Affirmative.

11th.—To the eleventh Interrogatory he answers, he did attend John Webb in a Coach to Doctor's Commons, for the Purpose of his being examined on the Part of the Producent; and after his Examination, he took him back again in the same Carriage and set him down at the Obelisk, in St. George's Fields; and he saith, upon his Oath, he asked the said John Webb whether his Examination was over, to which he replied, Yes; and the Respondent saith also, he asked him also, what the examiner had asked him, to which he said, whether he, the Respondent, had given him Money, and also, that the Examiner had desired him particularly to be upon his Guard, as to what he said, for that he had been detected once, and found guilty of Perjury; but doth not recollect any Thing else passed of any Consequence; and further, to the said Interrogatory, he knows not to answer.

12th.—To the twelfth Interrogatory he answers, John Webb is gone to a Mr. Boodle, at Ongar, in Essex, till he can procure him a Place, from the Recommendation of the Respondent; and the Respondent saith, the Reason of his sending him thither, was in Consequence of a Letter which the said John Webb had received, which he shewed to the Respondent, wherein he was advised to keep himself out of the Ministrant's Way, for he had laid a Plan to trepan him; he saith, for these four Months past the said John Webb, as he believes, has been supported by Mrs. Smith, the Mother of the Producent; he saith, upon his Oath, he does not keep John Webb in his House, nor does he give him Money and Cloaths; he saith, the aforesaid John Webb boarded in his House from the sixteenth of

July last till he was examined ; and he said then, he was going down to Chatham, to Mr. Pilcher's, whose Service he had last quitted, to receive his Wages and Cloaths, but that he had no Money to take him down, whereupon the Respondent gave him a Half Guinea, which was the only Time he ever gave him any Money, ; and further, to the said interrogatory, he knows not to answer.

13th.—To the thirteenth Interrogatory he answers, he never at any Time advised the said John Webb what to say, depose, or avoid saying, or deposing at the Time of his Examination at Doctor's Commons, on Behalf of the Producent ; and further, to the said Interrogatory, he knows not to answer.

14th.—To the fourteenth Interrogatory he answers, he has never been consulted by the Producent, since her Separation from the Ministrant, in his professional Character of Man Midwife ; and further, to the said Interrogatory, he knows not to answer.

15th.—To the fifteenth Interrogatory he answers, upon his Oath, that previous to John Webb aforesaid being examined in Doctor's Commons, on behalf of the Producent, by the Consent and Desire also of John Webb, he, the Respondent, drew a Sort of Affidavit for the said John Webb to be sworn to ; in which Affidavit he contradicted what he had before said on Behalf of the Ministrant, and went before Mr. Russell, a Magistrate, to get him sworn thereto, but Mr. Russell refused to swear him for it, saying, he did not wish to be the Means of the Lad's being perjured ; he therefore waited on Mr. Gillam, a Magistrate, at Rotherhithe, who, without Scruple, immediately swore him to it ; and further, to the said Interrogatories, he knows not to answer.

16th.—To

16th.—To the sixteenth Interrogatory he answers, he is Nephew to Mr. Gillam; and further, than as before answered, he knows not to answer the said Interrogatory.

17th.—To the seventeenth Interrogatory he answers, he verily believes the Producent has seen the said John Webb but once within these four Months; and then, as the Producent informed him, the Respondent, she accidentally met him in Greenwich Park, but did not speak to him; to his Knowledge, Mrs. Inglefield and John Webb have not been alone together within these four Months; and further, to the said Interrogatories, he knows not to answer,

Samuel Gillam Mills.

Mrs. *Elizabeth Wells's* first Deposition.

JULY 20th, 1785.

Elizabeth Wells, of Cobham, in the County of Kent, Spinster, aged twenty-one Years, a Witness, produced and sworn,

1st. **T**O the first Article of the said Allegation the Deponent saith, she lived as a Servant with the aforesaid John Nicholson Inglefield, Esq; and his Wife Ann Inglefield, the Parties in this Cause, at their House, at Singlewell, in the County

of Aent, for about sixteen Months; by which Means she became acquainted with the Parties in this Cause; and quitted their Service in the Month of October last past; and the Deponent saith, during the Time she so lived with them as aforesaid, as far as her Observations went, the said Ann Inglefield, the Producent, in every Respect behaved herself with the greatest Propriety; that she was an affectionate, dutiful, obedient Wife, a good Mistress, and a tender Mother to her Children, of which she had four, and was respected and esteemed as such by her Neighbours, Friends, Acquaintance, and others; that the said John Nicholson Inglefield, Esq; the other Party in this Cause, was a Man of a very blustering Temper, and appeared to the Deponent, to be jealous of the Producent without any the least Cause; and when he returned home, after having been some Time absent, he used to make Enquiries of her, the Deponent, as well as of the other Servants, respecting the Conduct of his said Wife, in his Absence, what Men had been there, and other jealous and suspicious Questions, as to the Conduct of his said Wife, so as to render the Life of the said Producent uncomfortable, and to destroy her Peace of Mind; that she, the Deponent, never, at any Time during such Time she was in the Service of the Producent as aforesaid, and being the Nursery Maid, she had more Opportunities than the rest of the Servants of seeing the Conduct of her said Mistress, the Producent, she being very much with the Children, never saw any the least Impropriety of Conduct in the Behaviour of the Producent, or any Thing to give the least Shades of Ground for a Suspicion of her Chastity; and further, to the said Article, she knows not to depose.

2d.—To the second Article of the said Allegation the Deponent saith, that she knew John Webb, articulate, a black Servant, about nineteen Years
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of Age, to the Parties in the Cause; that he appeared a very modest Lad, was very sober and attentive to his Duty, and a Lad, she thinks, of that Disposition that would not have dared to offer any improper Behaviour to his Mistress; the Deponent saith, she, nor any of the other Servants, as she firmly believes, ever suspected there was any improper Correspondence between the Producent and the said John Webb; and as to the Character and Propriety of Conduct of the Producent, she cannot further depose, than by her already deposed; but she further saith, when the said John Nicholson Inglefield was absent from Home, she, the Producent, seldom or ever even suffered the said John Webb to wait upon her, and if he did, which, from her, the Deponent, and the other female Servants being sometimes busy, he was obliged to do, she always, on those Occasions, sent him out of the Room immediately; and further, to the said Article, she knows not to depose.

4th.—To the fourth Article of the said Allegation the Deponent saith, that she believes the said John Webb, articulate, is a Slave to the said Captain John Nicholson Inglefield, that he is entirely dependent on his Bounty for his Cloathing and Support, and so much under his Command, from Fear, that she thinks he would say or swear any Thing the said John Nicholson Inglefield should order him; that she well remembers his being severely beaten by his said Master, sometime last Summer, and his saying, it was for having pawned his Master's Great Coat, and spent the Money; and further, to the said Article, she knows not to depose.

5th.—To the fifth Article of the said Allegation the Deponent saith, she remembers well, that about Michaelmas, in the Year 1783, one very windy Night, after the Producent and all the Family had been in Bed, and during the absence of the
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the said Captain Inglefield, the Producent rung her Bell in the Night, which she was not accustomed to do; that the Deponent came down Stairs from her Room to the Room of her said Mistress, the Producent, who was very much frightened, and said she was afraid some Body had broke into the House; and, on searching the Rooms, the Deponent found one of the Casement Windows adjoining to the Producents Room, had been left open, which the Wind had blown open and shut, and which Noise had caused the Fear of the Producent; but she saith, the Producent never said, when she, the Deponent, attended her upon the Occasion aforesaid, it was not her she wanted, but that she wanted Jack, thereby meaning John Webb, the black Servant, articulate; and she further saith, she is in her Mind convinced, and verily believes, the Circumstance, articulate, by her deposed to, and the aforesaid Circumstance, mentioned in the said Exhibit, or Letter, therein pleaded and propounded, and marked No. 1, is the very Night there alluded to; because her Master, the aforesaid Captain Inglefield, when he returned home, heard the Producent had been frightened one Night, in his Absence, which caused her to ring her Bell; and he asked the Deponent, who went by the Name of Betty, the Reason of her Mistress having rung her Bell one Night in his Absence; to whom she answered, as by her deposed, to this Article of the Allegation; and she lastly saith, the said John Webb was never joked by her, or any of the Servants, to her Knowledge, on Account of any Intercourse between him and his Mistress, the Producent; nor was such a Thing by her, or any of the Servants, to her knowledge, in the least suspected; and further, to the said Allegation, she knows not to depose.

Elizabeth Wells.

The same Witness, to Interrogatories.

1st.—To the first Interrogatory she answers, she now lives with her Mother, at Cobham, in Kent; that she is out of Place at present; that she has lived in Servitude at different Places; at Lord Darnley's she lived two Years, and, till he died; at Captain Inglefield's, and has been supported by her own Industry for these seven Years last past; that she is not indebted to the Producent, or she to her, nor is she, the Respondent, under any Obligations to the Producent; that she hath not, nor have any of her Fellow Witnesses, to her Knowledge or Belief, been promised, or does she, or they, to her Knowledge, hope or expect to receive any Reward, Gratuity, Present, or Satisfaction for giving her, or their Evidence in this Cause; that she, nor any of her Fellow Witnesses, to her Knowledge, is or are dependent upon the Producent; and further, to the said Interrogatory, she knows not to answer.

2d.—To the second Interrogatory she answers, that neither she, nor any of her Fellow Witnesses, to her Knowledge, have had any Meetings or Consultations with the Producent, or any other Person or Persons, in Order to settle what she, he, or they should depose, or avoid deposing in this Cause; and further, to the said Interrogatory, she knows not to answer.

3d.—To the third Interrogatory she answers, she never thought the Ministrant a good tempered Man; she saith, she never saw him treat the Producent ill, but she cannot pretend to answer he treated her with the greatest Kindness, Love, and Affection; and further, to the said Interrogatory, she knows not to answer.

4th.—To

4th.—To the fourth Interrogatory she answers, she lived in Captain Inglefield's Service about sixteen Months, and quitted his Service last October; she saith, she never saw him behave to his Wife in a cruel, morose, and unfeeling Manner, but she did not think that he was fond of her; and further, to the said Interrogatory, she knows not to answer.

The Witness was reminded of her Oath.

5th.—To the fifth Interrogatory she answers, upon her Oath, she never heard from Captain Inglefield, the Ministrant, or any other Person or Persons, that he, or they, ever suspected the Producent not being faithful to his Bed, and that she was criminal with John Webb, the black Servant, or any other Man; and she further answers, upon her Oath, she never saw or observed any Familiarities pass between the Producent and the said John Webb, or any other Person, during the Time she so lived in the Service of him, the Ministrant; and further, to the said Interrogatory, she knows not to answer.

6th.—To the sixth Interrogatory she answers, she never once, during the Time she so lived in the Service of the Parties in this Cause, went out for a Holliday, without asking Leave, nor did her Mistress, the Producent, ever tell her she might go; and further, to the said Interrogatory, she knows not to answer.

7th.—To the seventh Interrogatory she answers, Master Feattus, the Producent's Nephew, and the Producents own Children, like other Children, as she thinks, used sometimes to be at play together, and sometimes at Work; but otherwise, she knows not to answer the Interrogatory.

8th.—To the eighth Interrogatory she answers, she well remembers, when her Master was absent from

from Home, but where he was she knows not, the Producent, one Night, about the Middle of the said Night, rung her Bell from her Bed Room, as by her set forth in her Deposition, to which she craves Leave to refer; that her Bed Room Door was not open when she went down to her said Mistress; and she answers, upon her Oath, the Producent never even mentioned the Name of Jack, but was frightened very much, which Fright proceeded from a Noise of a Window, banging backwards and forwards, occasioned by the Wind, the said Window having been left open; that she never, the next Morning, asked Jack, the Black, why he did not go to his Mistress, when the Bell rung in the Night; the Respondent declares, upon her Oath, she never shook her Head at Jack, the Black, and bid him mind and not Cuckold his Master; and further, to the said Interrogatory, she knows not to answer.

9th.—To the ninth Interrogatory, she answers, she heard the said John Webb say he had been in London to be made a Christian; she remembers his being beat for having pawned a Great Coat; and further, to the said Interrogatory, she knows not to answer.

10th.—To the tenth Interrogatory she answers, she left the Service of the Parties in this Cause, in the Month of October last, she remembers it was of a Saturday, but what Day of the Month she knows not; that she has not received any Sum of Money whatever from Mrs. Inglefield since she left her Place; and further, to the said Interrogatory, she knows not to answer.

11th.—To the eleventh Interrogatory she answers, when Captain Inglefield called upon her in Town, to ask if she knew any Thing of the Matter between her Mistress and John Webb, the Black,
he

he said, she, the Respondent, he was sure, knew something had passed improper between the Black and her Mistress, but she would not tell; and at the same Time told her, she need not be afraid of speaking against the Producent, for that she, the Producent, spoke very disrespectful of her, the Respondent, and even said that she, the Respondent herself, had been great with the Black; and further, to the said Interrogatory, she knows not to answer.

20th.—To the twentieth Interrogatory she answers, it was not customary for all the Servants to go to Bed before the Black, on the Contrary, she thinks the Black generally went to Bed first; and further, to the said Interrogatory, she knows not to answer.

Elizabeth Wells.

FEBRUARY, 22, 1786.

Mr. Samuel Gillam Mills's second Deposition.

Samuel Gillam Mills, of Greenwich, in the County of Kent, Surgeon, aged thirty-nine Years, a Witness, produced and sworn.

TO the Whole of the said Allegation the Deponent saith, he hath known, and been acquainted with Ann Inglefield (Wife of Captain John

John Nicholson Inglefield) the Producent, from a Child; that in the Month of December, in the Year 1784, she was at the House of Mrs. Smith, her Mother, at Greenwich, aforesaid, where she sent for the Deponent, professionally, she being very much indisposed; the Deponent attended her, and after some Conversation, she informed him of her Complaints arose from Unhappiness and Disturbance of Mind; that Captain Inglefield, her Husband, had deserted her by Reason of Jealousy, and falsely accused her with improper Familiarities with John Webb, her black Servant; she said she was perfectly innocent, and had no Friend to protect her; the Deponent was struck with the Story, believing her innocent, and from his long Acquaintance with her, induced him to interest himself in her Behalf, from no other Motives than those of Friendship and Humanity; and he saith, on the 15th Day of the Month of July, 1785, John Webb, the black Servant, articulate, came to him to his House, at Greenwich, and he then and there voluntarily, and of his own Accord, confessed and declared to him, the Deponent, that what he had formerly said and sworn against his late Mistress, the Producent, was false; that he had said it, and accused her, from Fear and Dread of being punished by his Master, Captain Inglefield, the other Party in this Cause, who always put the Question to him, and if he denied, the said Captain Inglefield used to repeat the Question with a severe Look and an Oath, which so intimidated him he had answered yes to every Question he had put to him; and the Deponent saith, so far from him making Use of any Threats to induce him to contradict what he had before said, he exhorted him and charged him, in the most serious Manner, to be cautious and upon his Guard as to what he
was

was about to say; to which the said John Webb then replied, what he then said was the real Truth, and having quitted the Service of the said Captain Inglefield, he was no longer in Dread of him; and he could not rest happy till he had told the Truth; and the Deponent saith, the said John Webb hath never been in the least in Fear of, or under his Custody, Influence, Power, or Controul; and he lastly saith, he is not actuated by Malice or Hatred towards the said Captain John Nicholson Inglefield, nor would he from Motives of Hatred, Malice, or Resentment, or any other Motive whatever, be induced to combine or confederate to prevent the Cause of Justice, or attempt to persuade or suborn any Witness so to do, in this or any other Cause; and further he knows not to depose.

Samuel Gillam Mills:

FEBRUARY 23, 1786.

Mrs. *Elizabeth Wells's* second Deposition:

Elizabeth Wells, of Cobham, in the County of Kent, Spinster, aged twenty-three Years, a Witness, produced and sworn.

TO the Whole of the said Allegation the Deponent saith, she lived Fellow Servant with John Webb, articulate, sixteen Months, at the House

House of Captain John Nicholson Inglefield, and Ann, his Wife, the Parties in this Cause, at Singlewell, in the County of Kent; she saith, since she has quitted the Service of the Parties in this Cause, she has chiefly lived with her Mother, at Cobham aforesaid; that sometime in the Month of July last, the said John Webb called on this Deponent, at Cobham aforesaid, expressed a great Uneasiness of Mind, said he could neither rest Night or Day, till he had contradicted what he had said respecting Mrs. Inglefield, his Mistress, the Producent; that Captain Inglefield had, by Threats, made him say and swear what he had, which was false, but that he had then quitted his, the said Captain Inglefield's Service, was therefore no longer in Fear of him, and desired of this Deponent to inform the Producent, that he was ready to unsay and swear what he had before said against her, for the Whole of it was false; the Deponent saith, it was a free Confession, and not by her extorted from the said John Webb, nor did she use any Influence over the said John Webb to induce him to make such Declarations, nor was he, the said Webb, ever under the least Fear, or under the Custody, Influence, Power, or Controul of this Deponent; and she also saith, what she has deposed is the real Truth, and not from Malice, Hatred, or ill Will towards Captain John Nicholson Inglefield, the other Party in this Cause, nor would she wilfully perjure or forswear herself, or suborn any other Person so to do, in this or any other Cause; and further she knows not to depose.

Elizabeth Wells.

MAY 27, 1785.

Mr. Albert Innes's Deposition.

Albert Innes, of Crutched-friars, London, Merchant, aged fifty Years, a Witness, produced and sworn.

TO the first Article of the said Allegation he deposes and says that he knows and is well acquainted with John Nicholson Inglefield, Esq; Party in this Cause, and well knows Ann Inglefield, his Wife, the other Party in this Cause; and for the Space of fifteen Years last past, this Deponent hath been in Habits of the greatest Intimacy with the said John Nicholson Inglefield, and during all that Period he has employed this Deponent, as his Agent in all his naval Affairs; that since his Marriage with the said Ann Inglefield, his Wife, which took Place about eleven Years ago, this Deponent has, at various Times, down to the Month of July last past, been on Visits at his House for several Days together, and had thereby an Opportunity of knowing his domestic Character and Disposition; and this Deponent, in all his Observations, never knew a more tender, affectionate, and Indulgent Husband and Father, or a Man who took more Happiness in his Family, or, for his Line of Life, kept his Wife more respectably; and in the Month of October, 1780, when his Duty called him abroad, as a Captain in his Majesty's Navy, he left unlimited Orders with this Deponent to furnish his said Wife with whatever Sum of Money she should, from Time to Time, draw upon, or apply to the Deponent for; and in
Consequence

Consequence of such Orders, this Deponent, from the said Month of October, 1780, to the 25th Day of December, 1782, on Account of the said John Nicholson Inglefield, supplied the said Ann Inglefield with Monies to the Amount of £765, for the Maintenance of herself and Children; besides which, she, in that Period, received the Sum of £240 as the Dividends due on Stock which the said John Nicholson Inglefield possessed in the Public Funds; out of which, this Deponent believes, the said Ann Inglefield allowed her Mother £60 per Annum; and further, to the said Article, he knows not to depose.

The same Witness, on Interrogatories.

Administered on Behalf of Ann Inglefield, Party in this Cause.

To the fourth Interrogatory he answers expressly in the Negative.

To the seventeenth Interrogatory he answers, that he understands, and believes, that the said Ann Inglefield, during her said Husband's Absence, as aforesaid, paid her Mother the Sum of £60 per Annum; and that she also supported herself and two Servants in the House she was left to reside in by the Producent; and he also believes she paid for the Maintenance and Education of her Children; and, referring to what he hath before deposed, he knows not to answer.

18th.—To the eighteenth Interrogatory he answers, that, until he heard of the present Charge against the said Ann Inglefield, for criminal Conversation with her black Servant, a Negro Lad, he

never knew or heard of any Impeachment of her Virtue, or her Chastity, and always looked upon her as a dutiful Wife, and an affectionate Mother.

19th.—To the nineteenth Interrogatory he answers, that he thinks that there is not, upon Earth, a Man of a more amiable and placid Temper and Disposition, than the said John Nicholson Inglefield; and the general Tenor of his Conduct and Behaviour to his said Wife, as far as the Respondent was a Witness, was at once affectionate, tender and indulgent; and this Respondent never knew, or heard of any Uneasiness or Differences happening between them, other than the Subject of the present Charge against her.

Albert Innes.

MARCH 1, 1786.

Deposition of Mr. *John Cochran*.

John Cochran, of Greenwich, in the County of Kent, Apothecary, aged twenty-five Years, and upwards, a Witness, produced and sworn.

TO the whole of the said Allegation the Depo-
nent saith, he lives Assistant to Samuel
Gillam Mills, Surgeon and Apothecary, at Green-
wich, in the County of Kent aforesaid, and in that
Capacity

Capacity has lived with him upwards of four Years; he saith, the said Samuel Gillam Mills is a very honest, worthy Man, and respected by every one who knows him, as he verily believes; and he saith, he has only a personal Knowledge of Captain John Nicholson Inglefield, and Ann Inglefield, his Wife, the Parties in this Cause; he saith, he remembers, in the Month of July last, seeing the articulate John Webb at the House of the said Mr. Mills; he believes he was sent for by the Producent, and Mr. Mills; and he then heard him, the said John Webb, voluntarily declare to him, the Deponent, he was very unhappy, and disturbed in his Mind, for what he had said against Mrs. Inglefield, the Producent, his Mistress, that it was totally false, and that Captain Inglefield, his Master, had made him and frightened him into such false Confession; for that Mrs. Inglefield, the Producent, was perfectly innocent of the Charges he had alledged against her; that Captain Inglefield, he said, used to say to him, looking at the same Time very sternly at him, " Jack, you have been taking " Liberties with your Mistress;" the said John Webb said, he answered, " I have not;" Captain Inglefield would then say, " Sirrah, how dare " you deny it, I saw you;" which, the said John Webb said, so frightened him, he answered " yes," to every Thing his said Master said to him; and the said John Webb further said, the said Captain Inglefield once ordered him, when on board the Scipio, laying in Chatham River, when the said Ann Inglefield was on board, in the Morning, when he dressed his Mistress's Hair, to kiss her and take Liberties with her, and he the said Captain Inglefield bored a Hole through the Partition, that he might see him, but the said John Webb

said, he was so frightened he dared not to attempt it, and the said Captain Inglefield scolded him for it; and the said John Webb, articulate, declared solemnly he would not, nor had he the least Reason to speak in Prejudice of the Producent's Character, but was absolutely frightened, and fearful of being flogged if he contradicted his then Master, Captain Inglefield, Party in this Cause; and further, to the said Allegation, he knows not to depose.

John Cochran.

The same Witness on Interrogatories.

To the first Interrogatory he answers, he is by Profession an Apothecary, and an Assistant to Samuel Gillam Mills, his Fellow Witness in this Cause, in whose Service he has lived upwards of four Years; before that, he lived at Caskhalton, in the County of Surry, and since that Time, at Tottenham High Cross; of the three Places aforesaid, seven Years; and is supported by his Profession; he is not indebted to the Producent, or she to him, nor is he under any Obligation to her, or she to him; that he has not received, been promised, or does he expect to receive any Sum of Money, Fee, Gratuity, Reward, or Present, for giving his Evidence in this Cause; and further, to the said Interrogatory, he knows not to answer.

To the second Interrogatory he answers, for himself, in the Negative; and further, to the said Interrogatory, he knows not to answer.

To the third Interrogatory he has heard, from John Webb, articulate, that the said John Webb, in the Month of January, 1785, had been examined before Edward Pilcher, a Magistrate, at
 Rochester,

Rochester, respecting his having taken improper Familiarities with his Mistress, the Producent; and he said to the Respondent, he never was so frightened in his Life; that he would not then have sworn what he did, but was afraid of contradicting the said Captain Inglefield; for, at that Time, he was not only his Servant, but entered on board his Ship as a Seaman; he was therefore fearful of being afterwards flogged on board, and perhaps, he said, sent back to the West Indies, where he had formerly been a Slave; and further, to the said Interrogatory, he knows not to answer.

To the fourth Interrogatory he answers, he has heard John Webb quitted the Service of the articulate Edward Pilcher, because he was so uneasy in his Mind, respecting what he had said falsely against the Producent, and that he could not rest till he had told the Truth; in Consequence of which he quitted the said Edward Pilcher's Service to come to his late Mistress, the Producent, and speak the Truth on her Behalf; and further, to the said Interrogatory, he knows not to answer.

To the sixth Interrogatory he answers, he believes the said John Webb was boarded by the articulate Samuel Gillam Mills, about a Fortnight, and he believes, the Reason the said Samuel Gillam Mills had for so doing, was to keep him out of the Way of the Ministrant, till after he was examined on behalf of the Producent; for he saith, he believes Captain Inglefield, the Ministrant, would have endeavoured to have got him out of the Way; and he saith, he is now more particularly induced to think so, because, since the said John Webb has been examined in Behalf of the Producent, he received his Box with his Cloaths from Chatham, in which was a Letter signed S. P. the Purport of
which

which was, desiring him, the said John Webb, to keep himself out of the Way, for that the Ministrant intended, if possible, to trepan him; which Letter was taken out of the said John Webb's Box in the Respondent's Presence, the Seal of which was broken open, and read by him the Respondent, for the said John Webb said, he could not read it; and further, to the said Interrogatory, he knows not to answer.

John Cochran,

DECEMBER 14, 1785.

Deposition of *William Parker, Esq;*

William Parker, at present of Greenwich, in the County of Kent, Esq; Captain of his Majesty's Ship the Dictator, aged forty Years, and upwards, a Witness, produced and sworn.

TO the second Article of the said Allegation the Deponent saith, he hath known Captain John Nicholson Inglefield, as a naval Officer; that he had and has now the Command of his Majesty's Ship the Scipio, one of the Guard Ships at Chatham; and he, the Deponent, has the Command of his Majesty's Ship the Dictator, one of the Guard Ships also, in the same River; from which

which Circumstance a Sort of Intimacy took Place between him, the Deponent, and the said Captain Inglefield ; he also saith, he had a House at Brompton, in the County of Kent, where he resided for two Years, and from whence he only removed last Michaelmas ; and at the Time he so lived and resided there, he, the said Captain John Nicholson Inglefield, had a House at Singlewell, in the County of Kent aforesaid, which is not more than nine or ten Miles distant from the Houses of each other ; and he saith, he used, occasionally, with Mrs. Parker, the Deponent's Wife, to visit at the House of the said Captain Nicholson Inglefield ; and he remembers once staying there two or three Days, by which Means he also became acquainted with Mrs. Ann Inglefield, the Producent ; and he saith, Captain John Nicholson Inglefield aforesaid, and the said Ann Inglefield, his Wife, the Producent, aforesaid, have returned the Visit together, to his, the Deponent's House, at Brompton aforesaid, and have spent two or three Days at his House at a Time ; and he saith, from the Observations he has been able to make, of the Character and Conduct of the Producent, he has, and ever had, Reason to believe and esteem her as a virtuous good Woman ; and he saith, had he had any the least Reason to have thought the Contrary, he and Mrs. Parker would most certainly have dropped her Acquaintance ; she appeared to him, the Deponent, a dutiful and attentive Wife, and verily believes she was respected as such by her Acquaintance, and others who knew her ; he has seen John Webb, their Black Servant, but saith, he never took any Notice of him than he should have done of any other Servant the Parties in this Cause might have had in their Service ; and further to the said

Article

Article of the said Allegation, he knows not to answer.

To the fifth Article of the said Allegation the Deponent saith, he never saw or suspected any the least improper Intercourse between the said Ann Inglefield, the Producent,, and John Webb, the black Servant, or with any other Person whatever ; and further, to the said Article of the said Allegation, he knows not to depose.

To the sixth Article of the said Allegation, and to the Letter exhibited therein and pleaded, and propounded and marked No. 1, by him carefully viewed and perused, he saith, he has divers Times seen the said Captain John Nicholson Inglefield write and also subscribe his Name, and is thereby become acquainted with his Manner and Character of Hand Writing and Subscription, and he saith, he verily, and in his Conscience, believes the whole Series and Contents, and the Name J. N. Inglefield thereto subscribed, is all of the proper Hand Writing and Subscription of the said John Nicholson Inglefield, Party in this Cause ; and further, or otherwise, to the said Allegation or Exhibit, he knows not to depose.

William Parker.

The same Witness, on the Interrogatories.

To the first Interrogatory he answers, he thinks and believes John Nicholson Inglefield is a Person of an affable, humane, and indulgent Temper and Disposition ; he answers, the Ministrant, as far as he observed, always, and upon every Occasion, treated and behaved to his Wife, the Producent, with the greatest Kindness, Love, and Affection, which,

which, he answers, made his, the Respondent's, Surprise the greater when he heard of the Accusations against the Producent; and further, to the said Interrogatory, he knows not to answer.

To the second Interrogatory he knows not to answer.

To the third Interrogatory he answers, he was present, at the Request of the Ministrant, when John Webb, the Black, was interrogated by the Reverend Mr. James Jones, of Rochester; and he answers, he was strictly admonished by him and the Reverend Mr. Jones, previous to his giving his Deposition before Edward Pilcher, Esq; one of his Majesty's Justices of the Peace for the County of Kent; and he answers, he and the said Mr. Pilcher joined in exhorting and endeavouring to prevail with the said Black to tell the Truth, respecting his Familiarities with his Mistress, the Producent, and if he had had carnal Knowledge of his Mistress to confess the same; the Respondent further answers, he cannot say there was any unfair Means practised upon the Black, or made use of to make him confess any Thing; But he answers, after the Respondent had heard the Story respecting the Criminality of the Producent, with the said John Webb, from the Ministrant, he confesses, when he attended his, the said Black's, Examination, he became very much prejudiced against the Producent; and the Black was desired to tell his Story, which he did freely; yet, after his Deposition was reduced into Writing, and every Sentence read over to him, to each of which he acknowledged the Truth, and when the Oath was administered to him, he shook every Limb, and was some Time before he was in Fact *prevailed* upon to take it; but, on being told, what he had deposed he had confessed

to

to be the Truth, what Objection could he have to swear therefore to the Truth of it, he at Length did kiss the Book; but, the Respondent *now* answers, he sincerely believes, had the Black been exhorted to have spoken favourably in behalf of his Mistress, the Producent, he might have been induced to have taken an Oath either Way; he answers, the Reverend Mr. Jones took Pains in explaining the Nature of an Oath to the said John Webb, and, as he best recollects, told him if he took a false Oath, he would not only be punished in this World, but in the next; but he also answers, the said John Webb was frequently asked, if he understood what was explaining to him, and he replied he did, and he did appear to understand the same; and further, to the said Interrogatory, he knows not to answer.

To the fourth Interrogatory he answers, the said John Webb, in the Presence of the said Mr. Pilcher, Mr. Jones, and the Respondent, did describe a variety of seducing and lewd Practices of his Mistress, such as kissing him, putting him upon her knee, putting her Hands into his Breeches, and other lewd and vicious Practices; but he answers, notwithstanding he hesitated a great While before he took the Oath, and trembled every Nerve when he did; to the latter Part of the said Interrogatory he answers in the Negative.

To the fifth Interrogatory he answers, he has been various Times in Company with Captain John Nicholson Inglefield, the Ministrant, and Ann Inglefield, the Producent, his Wife; he always thought Captain Inglefield treated her with Tenderness and Affection; nor had he, the Respondent, any Reason to believe that he had any Aversion to his Wife, or wished to get rid of her, prior

to

to the Time of her being charged with a criminal Intercourse with John Webb; and the Respondent further and lastly answers, when he and Mrs. Parker were upon a Visit to the said Captain Inglefield and Mrs. Inglefield, at Singlewell, for three or four Days, he thought Captain Inglefield's Behaviour to his Wife was good natured, tender, and affectionate; and further, he knows not to answer.

William Parker.

This Deposition of Captain Parker's gave rise to a Letter from Captain Inglefield to that Gentleman, in which Captain Inglefield writes:—

“ The Procefs being ended at the Commons, I
 “ have a few Words to say to you on the singular
 “ and unaccountable Manner in which you have
 “ conducted yourself towards me; regarding you,
 “ at the Time, as a Friend, and as a Man of Honour,
 “ you were the *first* Person I opened my
 “ Mind to, on leaving the Scipio, the Day after
 “ the Black had made his Confession to me, and
 “ assisted, in the same Character, at my Request,
 “ to examine the Black when he deposed before
 “ Mr. Pilcher, and made exactly the same Report
 “ to me as the other two Gentlemen.”

Captain Parker immediately answers this Letter:
 “ Sir, your Letter of Saturday, I received Tuesday
 “ Evening, to which I scarcely know how to reply,
 “ other than setting you right in a few Particulars:
 “ You say, regarding me as a Friend, I
 “ was

“ was the *first* Person you opened your Mind to,
 “ after leaving the Scipio, respecting the Affair of
 “ Mrs. Inglefield and the Black, and that I after-
 “ wards attended and assisted at his Examination,
 “ in that Character:—I was certainly present at
 “ the Examination, but, I must tell you, had I
 “ *previously* known the Business, I had not been
 “ there; for, however great my Regard might
 “ have been for you at that Time, I should have
 “ considered it of too serious a Nature to have had
 “ any Thing to do with; you certainly cannot
 “ but recollect, you first related the Circumstances
 “ to me, when, by your own pressing Request, I
 “ met you at Mr. Pilcher’s, sitting with that Gen-
 “ tleman, and the Reverend Mr. Jones, in their
 “ Presence, the Moment previous to the Exami-
 “ nation.”

Captain Parker wrote to Mr. Pilcher, request-
 ing an Answer to the following Queries: — “ Did
 “ it appear, from my Manner, when Captain Ingle-
 “ field related the Story, that I was acquainted
 “ with it before I knew the Business I was come
 “ upon, or did I appear to be a perfect Stranger
 “ to it at that Time?”

Another Letter to the same Purport was ad-
 dressed by Captain Parker to the Reverend Mr.
 Jones: — These Gentlemen answered Captain Par-
 ker: — First, Mr. Pilcher writes, “ I have just
 “ now received your Letter of the 6th Instant, and
 “ I perfectly well remember, when you came to my
 “ House, to meet the Reverend Mr. Jones, on
 “ the unfortunate Business of Captain Inglefield,
 “ that you was much surprized when the Captain
 “ *unfolded* the Business to you that we met about;
 “ and I am thoroughly satisfied you was not ac-
 “ quainted with it till that Moment.”

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The Reverend Mr. Jones writes: "As you desire me to recollect, whether you appeared to have any previous Knowledge of the Business transacted at Mr. Pilcher's, it did not appear to me that you had any such previous Knowledge." Then afterwards adds: "I can assure you, that I had not any Knowledge of what was to be brought on the Carpet at Mr. Pilcher's, till a very short Time *before* you came in; so that I may as justly say, that I was surprized into being present at that disagreeable Affair as yourself."

I have had Liberty to publish the above Quotations, but leave to the Public, and those who have discoursed on the Subject, to make their own Comments; I cannot help observing, that the Friends who have so strenuously espoused Captain Inglefield's Cause, from an implicit Reliance on his Veracity, must now feel that sole Prop to his Tottering Honour, effectually broken down.

A Letter from Mr. Mills, to Mrs. Inglefield, referred to in Note, Page 120.

MADAM,

AGREEABLE to your Request, I shall readily give you an Account of my Conduct towards John Webb, with full Permission to publish it or not, as you may think proper.

On Wednesday, July 13, 1785, you sent me a
Message,

Message, to desire I would call on you as soon as convenient; when I entered the Parlour, you pointed to a young Woman, and said, "that, sir, is Betty Wells, who will relate to you the Business I have troubled you upon."—Wells immediately informed me she had come from Cobham to make Mrs. Inglefield acquainted (by the express Desire of the Black) of Jack's unhappy State of Mind, from having sworn falsely against his Mistress, and with his earnest Wish, to do her every Justice in his Power.—I advised you immediately to let your Proctor know this important Piece of Intelligence. In a few Hours I attended you to the Commons, where Wells repeated to Mr. Abbot, what she had before recited to me; Mr. Abbot said he would confer with your Counsel on the Subject, and let me know the Result:—On the next Day I received a Letter from him purporting, he had consulted Doctor Harris, who recommended, to produce and examine Webb as a Witness, as soon as possible.—On the next Day you dispatched Church and Wells to fetch the Boy for Examination.—He arrived at my House about ten o'Clock the same Night, where, before several Witnesses, I asked him, if he had left Mr. Pilcher's Service of his own free Will?—whether the Confession, of having sworn falsely against you, was a voluntary Confession?—and whether he had received, or expected to receive, any Reward for so doing? To these Questions, and others of the like Import, he answered to this Effect: That his quitting Mr. Pilcher was at his own earnest Intreaty; that he wished to ease his Conscience of the Perjury he had been guilty of, by disavowing, in a public Court, what he had before said, and thereby make every Reparation in his Power, for the Injury he had done his Mistress;
and

and that he had not received, been promised, or expected to receive any Reward, mediately, or immediately for the Measures he was now taking.

From the general Account he then gave, I drew up a Writing, in the Form of an Affidavit, this I read aloud, and asked him if he was willing to swear to what he had heard me just read; he answered, with an inexpressible Satisfaction in his Countenance, yes: Finding the Boy could not read, I gave the Paper to Church, at whose House he was to sleep, enjoining him, frequently to read it to him, that he might perfectly understand every Syllable there written. The next Morning I again examined him, and found him equally solicitous, as on the preceeding Night, to contradict what he had sworn against you: Business obliging me to go that Morning to Town in a Coach, I took Webb with me; on the Way I called on Mr. Russel, to have the Boy sworn; Mr. Russell, for Reasons given in my Deposition, refused to swear him; I then drove to Mr. Gillam, at Rotherhith, to whom I made the same Request as to Mr. Russel, Mr. Gillam (with whom I had never before conversed on the Subject of your Unhappiness) after examining the Boy to certain Points of Religion, as well as to the Facts desired to be sworn to, administered, with peculiar Solemnity, the Oath: He was next produced at the Commons, and on the 26th of July was there examined as a Witness, on your Allegations. From his coming to Greenwich, to this Day, he had boarded at my House, and slept at Church's; he had free Egress and Regress, and was under no Controul whatever; but always expressed strong Apprehensions, lest Captain Inglefield, or Mr. Pilcher, should contrive Means to seize his Person and con-

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vey him to the West Indies, before he had relieved his Mind, by giving his Evidence in the Commons; he used to say, that after his Examination was over, he should not fear meeting Captain Inglefield, or his Master, Mr. Pilcher; his conduct proves this, for the very next Day, after the Examination, he went to Rochester, and personally demanded, of Mr. Pilcher, his Wages and his Cloaths; on his Return he lodged and boarded in London, for the Purpose of getting himself a Place, and strolled about the streets as his Fancy led him.

In the Portmanteau, sent to my House with his Cloaths, a Letter was found (not *an anonymous Letter*, I can produce the Writer) to caution him to be careful where he went; "For," says the Writer, "by a few Words which I heard from a Person, it is certainly in Agitation to trepan you." On reading this Letter, I said to him, under these Circumstances, London is not the Place for you to reside in; I wrote to a Friend in the Country, requesting he would get Lodgings for Webb in his Neighbourhood, till a Service should offer; my Friend most generously took him into his own Service, and in a little While recommended him to the Gentleman with whom he now lives, and has lived ever since.

Am, Madam,

your most humble Servant,

Samuel Gillam Mills.

Croom's Hill, Greenwich,

July 7, 1787.

